

Stark	Turner	Weller
Stearns	Upton	Westmoreland
Sullivan	Walberg	Wicker
Terry	Walden (OR)	Wilson (SC)
Thornberry	Walsh (NY)	Wolf
Tiahrt	Wamp	Young (AK)
Tiberi	Waxman	Young (FL)
Tierney	Weldon (FL)	

NOT VOTING—10

Clarke	Frank (MA)	LaHood
Cubin	Hastert	Tancredo
Davis, Jo Ann	Issa	
Emanuel	Kucinich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1402

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2419, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make other such technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2070

Mr. UDALL of Colorado. Mr. Speaker, I ask unanimous consent that Mr. BARTLETT of Maryland be removed as a cosponsor of H.R. 2070. He was added by mistake.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 567 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 567

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the

conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

I also ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to myself, I yield to the gentleman from New York for a unanimous consent request.

(Mr. McNULTY asked and was given permission to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I rise in strong support of both the rule and the conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 567 provides for consideration of the conference report to accompany H.R. 1, to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. The rule waives all points of order against the conference report and its consideration.

This is a typical rule for a conference report and was reported out by the Rules Committee by a bipartisan voice vote.

Mr. Speaker, when Americans decided last November that they were tired of the way business was being done in Washington, they elected Democrats to the majority.

We promised them that we would implement the recommendations of the 9/11 commission, and today we are fulfilling that promise in bipartisan fashion. We are showing that compromise can, indeed, yield good policy. Democrats have shown with this bill that that compromise can indeed be positive for America.

There were many who did not want to see Democrats succeed in completing work on this bill. They preferred political posturing over protecting the American public. For them, inaction is an acceptable solution, and obstructionism their plan to get back into the majority.

The American people should take great comfort in knowing that we will not allow them to succeed.

I commend my good friends, the distinguished chairman of the Homeland Security Committee, BENNIE THOMPSON, and the ranking member for their tireless work on this conference report.

It was not an easy job, but their diligence and commitment to protecting America persevered.

This product takes significant steps to further protect the American people. Democrats are leading in delivery while fixing the shortcomings in our homeland security network highlighted by the 9/11 Commission.

First, this conference report places a priority on providing homeland security grants based on risk and not political preference. This is especially important to my constituents, as south Florida has seen its recent homeland security grant allocations decreased as political consideration has increased in the process.

When it comes to first responders, the conference report includes \$1.6 billion for a first responder interoperability grant program.

The report also invests in rail, transit and bus security, authorizing more than \$4 billion for these crucial grants.

Further, this report requires the screening on all passenger air cargo within 3 years. This is, without doubt, the furthest that Congress has ever gone to ensure that the flying public is safe and protected.

Within the next 5 years, the conference report requires the screening of all container ships as they leave foreign shores and head to the U.S. This, too, was another of the 9/11 recommendations.

If America is going to be safe, Mr. Speaker, then Congress must do everything in its power to ensure that cargo coming into our ports has been screened and checked. As someone who represents a district which is within just miles of three major international seaports, I'm pleased that the committee included this provision in the bill. The safety and security of south Florida literally depends on it.

I'm also pleased that the Homeland Security Committee and the House Intelligence Committee, of which I'm a proud member, were able to reach an agreement regarding the public disclosure of total spending in the intelligence community. This was another key recommendation from the 9/11 Commission, and Democrats are again keeping their promise to turn those recommendations into law.

It is a new day in the House of Representatives. With honesty and transparency as our guiding principles, Democrats are working to strengthen and restore faith in our intelligence community. Even more, we are sending the message to the American people that this Congress will no longer allow the intelligence community to operate without proper oversight.

This conference report is another installment of how Democrats are working to protect the American people and hold the Bush administration accountable for its failures and shortcomings.

This is a good conference report and a good rule. I urge my colleagues to support both.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in opposition to this rule and to the woefully incomplete conference report that the Democrat majority is bringing to the House floor today.

Despite the repeated campaign promises made by Democrat leaders to the American people that they would take action on all of the remaining 9/11 Commission recommendations, that is not what is being done and not what is being brought to the floor of the House today.

It now appears that those claims were nothing more than just a hollow campaign promise because, as anticipated, they have failed to address a key recommendation of the 9/11 Commission.

While the Senate included a simple sense of Congress that congressional operations should be streamlined so that overlapping and duplicative oversight issues could be addressed, even this simple symbolic measure was dropped from the final legislation.

The 9/11 Commission stated: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need."

It went on further to say: "Congress should create a single, principal point of oversight and review for homeland security."

In the 109th Congress, House Republicans provided the responsible leadership needed on this issue by making the Committee on Homeland Security a standing committee, but there are still 10 other House committees that have overlapping and redundant oversight over the Department of Homeland Security.

House Democrats could have enacted this change with a simple rules change at the start of the 110th Congress. They failed to do so then; and with this legislation, they are once again ignoring this important issue entirely, including a campaign promise.

Thankfully, Mr. Speaker, this conference report is not a complete failure. Thanks to the leadership of President Bush and House Republicans, two important provisions were fixed in this conference report that will help keep Americans safe and improve our ability to combat terror at home.

First, this legislation wisely does not contain a mandate that collective bargaining rights be required for the Transportation Security Administration screeners. This dangerous provision was originally buried in the House Democrat leadership's version of this legislation; and thanks to President Bush's veto threat, it has been removed from the legislation that we are considering today.

The 9/11 Commission did not recommend collective bargaining for TSA screeners. In fact, to the contrary. The commission stressed the need to im-

prove airport security and screening procedures. Collective bargaining would have prevented implementing fluid operations for protecting our country by requiring TSA management to consult with union bosses before making critical homeland security decisions.

As Homeland Security Director Michael Chertoff explained, "Marines don't collectively bargain over whether they're going to wind up being deployed in Anbar province in Baghdad. We can't negotiate over terms and conditions of work that go to the heart of our ability to move rapidly in order to deal with the threats that are emerging."

□ 1415

Secretary Chertoff also noted that the proposed negotiations with unions would have seriously threatened operations such as the interception of the London bombing plot or a response to Hurricane Katrina. Thankfully, in what may be the first missed opportunity for increasing the power of labor bosses this year in the House, good sense prevailed and this provision did not survive the legislative process.

Additionally, good sense and Republican-proposed policy prevailed in this conference through the inclusion of a provision to protect vigilant observers who support suspicious terror-related activity. By including these John Doe provisions, my good friend, the Homeland Security Ranking Member PETER KING, won a great victory on behalf of the American people.

As Congressman KING recently noted, in a post-9/11 reality, vigilance is essential to security. Despite the Democrat opposition to this Homeland Security measure, common sense has prevailed and heroic Americans who report suspicious activity will be prevented and protected from frivolous lawsuits. The American people were heard, and our country is safer because of it.

I commend Congressman KING and other Republicans that served on this conference committee for insisting that Congress not let trial lawyers and the fear of litigation get in the way of promoting one of our best and most dynamic lines of defense against domestic terrorism, having everyday Americans report potential threats and terrorist activities to the proper authority.

While the Democrat party may not trust American men and women to use their good sense in reporting suspicious activity, I know as Republicans that's what we will do, and I really do appreciate PETE's efforts for this hard work.

I also appreciate all the hard work that was put into developing the conference reports on both sides of the aisle. I am also pleased to note that this conference report represents the first time that labor bosses and trial attorneys have been denied their every wish on this House floor. Unfortunately, I am not confident that we will see another commonsense bill that puts the safety and well-being of the

American people over these special interests any time soon.

I also appreciate the Democrat leadership's attempt at almost fulfilling one of their many unfulfilled campaign promises by bringing this legislation back to the House floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very privileged to yield 3½ minutes to the distinguished chairman of the Homeland Security Committee of this House, my good friend from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, it is my privilege, as the first Democratic chairman of the Homeland Security Committee, to rise in strong support of this rule and the underlying bill.

At the direction of the Speaker, I authored H.R. 1, legislation to complete the unfinished business of the 9/11 Commission. It had 200 original cosponsors.

H.R. 1 was the first bill of the 110th Congress. It passed the House by a vote of 299-128; 32 House conferees on a bipartisan basis, including Ranking Member KING, signed the conference report. Late last night the Senate passed it by a vote of 85-8.

It would seem that 6 years after the 9/11 attacks and 3 years after the release of the 9/11 Commission report, Congress is finally embracing what the 9/11 families have been saying all along. It takes more than vigilance for our Nation to be more secure against the threat of terrorism. It takes a willingness to do things a different way.

The 9/11 Commission challenged the administration, Congress and the American people to think a different way and take concrete steps to deter and prevent future attacks. Over the past 3 years, some progress has been made, most notably, the reforms in the intelligence community. However, until today, many of the key recommendations of the 9/11 Commission remain unfulfilled.

The conference report on H.R. 1 ensures that most grant funding is allocated based on risk. It authorizes \$1.6 billion for an interoperability grant program to improve communications for first responders. It provides over \$4 billion in rail, mass transit and bus security grants to ensure that our at-risk communities have the security they deserve.

Additionally, the conference report on H.R. 1 puts in achievable benchmarks for ensuring that 100 percent cargo carried on passenger planes is screened. It also mandates the screening of all U.S.-bound ships in foreign ports for 5 years, but gives the Homeland Security Secretary flexibility to delay implementation in certain cases.

The conference report requires a new electronic travel authorization system to screen visitors from companies participating in the Visa Waiver Program. This bill also strengthens a board that oversees privacy and civil liberties issues.

It requires the President and Congress to publicly disclose total spending requested and approved for the intelligence community for 2 years. The bill provides civil immunity to those in good faith who report suspicious activities that threaten the safety and security of passengers on the transportation system, or that could be an act of terrorism.

Before I yield back, I want to say on the record that the provisions I authored to give TSA screeners collective bargaining rights and whistle-blower protections was not included in the final bill. Though not an explicit 9/11 Commission recommendation, I believe that giving voice to the eyes and ears in the airports will make America more secure. I will keep working to get them the protections they deserve.

That said, the bill that is being considered today will make America more secure.

I strongly urge a "yes" vote on the rule, as well as the underlying bill.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, as many of my colleagues know, I have been working on legislation to temporarily suspend the Visa Waiver Program until our ports of entry are secure with the technology outlined and required by the 2001 PATRIOT Act and the Visa Entry Reform Act of 2002.

For those who don't know, the Visa Waiver Program was established back in 1986 as a temporary program allowing tourists or short-term business visitors to enter the United States for 90 days or less without obtaining a visa. The program was later made permanent by Congress, and it currently includes 27 countries.

The problem with this system is that terrorists are not limited by borders, nationality or even ethnicity. A terrorist with a French passport can be just as dangerous as one from Iran. In short, we need to make sure everyone who enters this country is appropriately screened.

This conference report will expand the Visa Waiver Program simply at the discretion of the Secretary of State.

Many of us read in the news this summer that the failed London and Glasgow bombings are linked to homegrown British terrorists with ties to al Qaeda in Iraq. I don't doubt that the United Kingdom is one of our closest allies, but this goes to show that even our greatest friends can be vulnerable to homegrown terrorists possessing legitimate citizenship documentation and authorized legal passports.

Giving terrorists a free pass of any type into our country only welcomes more strikes on our homeland, and it strengthens these organizations, these terrorist organizations right here in the United States. We cannot afford additional visa waiver countries and provide more opportunities for terrorists to breach a loophole in our security.

How much time does our Nation have before immigration, customs enforce-

ment, our air marshals, the TSA, Transportation Security Administration, misses the next Richard Reid.

In closing, this conference report will not secure our Homeland Security if it expands the opportunity for terrorists to travel to the United States. As a Member of the House Senate Conference Committee, I would not sign a report with language expanding this program.

I urge my colleagues, vote down the rule and the underlying legislation. Let's send it back to the conference and secure our Homeland Security.

Mr. HASTINGS of Florida. Mr. Speaker, I am very privileged to yield 3½ minutes to the distinguished gentleman from California (Mr. LANTOS), who is the chairman of the Foreign Affairs Committee and has worked actively and diligently for the security of this Nation.

Mr. LANTOS. I want to thank my friend for yielding.

Mr. Speaker, I rise in strong support of the conference agreement. Let me express my appreciation for the fine work of the chairman, the Homeland Security Committee, my friend, BENNIE THOMPSON.

When the perpetrators of the 9/11 attacks boarded their flights that crisp September morning, they hoped to crush the American spirit. They were profoundly mistaken.

In the first few weeks following the terrorist attacks, our Nation rallied to help the victims and their families to reconstruct New York City and the Pentagon, but our resolve did not stop there. We steadfastly committed to the long-term goal of preventing future terrorist attacks on our shores.

To accomplish this, we convened some of our best and brightest minds from both the Democratic and Republican parties to map out a comprehensive strategy to prevent another terrorist disaster. With this bill today, we willfully implement the sound recommendations of this bipartisan 9/11 Commission and take concrete steps to strengthen the security of our Nation.

I am pleased that the conference agreement contains several provisions authored by the Foreign Affairs Committee to fight terrorism and to stop the proliferation of dangerous weapons. The conference agreement will boost our efforts to work with other nations to secure nuclear materials and rein in loose nukes more effectively.

It will also increase the visibility of the Voice of America and our other broadcasting services to quickly ramp up their public diplomacy efforts in future crises.

With this bill, we will require the administration to develop a better strategy for cultivating U.S. relationships with three countries crucial to our counterterrorist efforts: Saudi Arabia, Afghanistan, and Pakistan.

Finally, I am gratified that the conference agreement includes provisions from the ADVANCE Democracy Act. This important bill firmly affixes the

advancement of freedom and democracy as one of our top foreign policy objectives and requires long-term plans to promote democracy throughout the world.

Recently, the Department of State has begun drafting strategies for Middle Eastern countries. The conference agreement includes a requirement for new written specific strategies for all nondemocratic and democratic transition countries building on the important work the Secretary of State has already been doing in the Middle East. This method ensures that we focus on institutions, not just elections.

As this bill becomes law, our country will begin to turn its thoughts to the sixth anniversary of the September 11 attacks. We will, of course, mourn the victims, honor the heroes, and contemplate the lessons of that event. But we will also renew our efforts to fight extremism and terrorism around the globe. I urge all my colleagues to support this important conference agreement.

□ 1430

Mr. SESSIONS. Mr. Speaker, I yield 4½ minutes to the gentleman from Florida, the ranking member of the Transportation and Infrastructure Committee, Mr. MICA.

Mr. MICA. Mr. Speaker, I thank the gentleman from Texas for yielding.

My colleagues, I have spent some time on transportation security as chairman of the Aviation Subcommittee for some 6 years, helping to craft some of the TSA legislation, working actually with the 9/11 Commission.

First of all, if anyone thinks that this bill is going to make us safer by any of the major provisions in the bill, they are wrong. They are dead wrong. What is unfortunate is they are adopting today in this so-called 9/11 Commission Report many things that will actually take our limited resources and put us greater at risk by diverting those resources to programs that make no sense. And I will try to show you in a few minutes.

First of all, let's look at the major provisions of this bill. First, cargo security, maritime cargo security. Here is a picture of one of the test cargo security maritime screening operations. I brought a little model, I made my own little model to show you how this works. There is the truck going through there. It goes through. You can either have a fixed location for this screening equipment or a portable one; they can move it around. Then the truck goes through the screening like that. And then when it goes through, we have completed that. Then we take the cargo.

Now, if you have been to the ports, and I have been to the foreign ports that they are requiring this procedure for, this cargo goes and it sits on the dock somewhere. It may be days, weeks before it is ever loaded. What a complete farce for cargo containers to go through this exercise.

Then if you have been to the ports, let's try Marseilles, I have been to Marseilles, let's try Livorno. Let's try others. What about this guy who is a dock worker? That dock worker can take this cargo and penetrate it. We have talked to the dock workers and they say that what you are instituting is an absolute joke. And it is not a recommendation. I defy anyone to get a copy of this and look at it.

Page 393 is what they recommend. They said: TSA should expedite the installation of an advanced in-line baggage screening system. You are going to hear somebody tell you that we have done that. Folks, this is how many airports we have done out of 440 airports: five of our major airports in the United States. A total of 18, but five of our major airports; 29 airports handle 75 percent of the air passengers. And that is what they recommended. It is right here. It says: TSA also needs to intensify its efforts to identify, track, and appropriately screen dangerous cargo in both the aviation and maritime sectors.

I am telling you, this is an expensive exercise in diverting limited resources and will put us even greater at risk. The terrorists have to be laughing at us today.

Even worse are some of the other provisions. This lifts the 45,000 caps on screeners. We are paid \$5.4 billion for 45,000 screeners. In fact, we should be spending that \$5.4 billion on technology that does, I can't reveal the classified results, but it does an incredible job. Instead, we have an army of 16,800 screeners who are hand-checking checked baggage at the airport. A complete farce. And that is a provision.

Here is another provision that is a disaster: require the disclosure in the Intelligence budget, that is almost criminal, in 2007 and 2008 but not I guess not in 2009, to tell the other side exactly what we are doing. So this does a lot of damage.

And then, finally, it creates a whole new bureaucracy. I didn't think the conference committee, and I wouldn't sign the report, could create a bigger bureaucracy. But it did just that.

If you love bureaucracy, you will love this bill. Not only what I just described, but we have had a Department of Transportation that administers transit grants, has done so, has the bureaucracy in place, and can expedite the quick distribution. Instead, we have 185,000 people in the Department of Homeland Security who haven't done this before now are going to set up another bureaucracy in the Department of Homeland Security. This is a great bill; it is a nice bumper sticker thing to go back and say we did something about homeland security. But, folks, we are doing damage.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to Mrs. MALONEY, who was directly affected in her district in New York during 9/11, I would just say to my friend from Florida that when he and his party were in

charge, the question is, what did they do? Did they pass \$250 million annually for airport checkpoint screening? Did they pass \$450 million annually for baggage screening? Did they do 100 percent screening within 5 years? Did they protect from lawsuits people who in good faith report what they believe are terrorist activities around airplanes, trains, or buses? Did they do stronger security measures? No. They did none of that.

I yield 3 minutes to the distinguished lady from New York, who really knows about 9/11, Mrs. MALONEY.

Mrs. MALONEY of New York. I rise in strong support of this rule and the underlying bill, and I congratulate this Democratic majority and this speaker for making security an absolute priority and for implementing all of the recommendations of the 9/11 Commission and making it a priority.

This bill was H.R. 1, the first bill introduced under the Democratic Congress, and it increases funding in many areas, particularly the interoperability of first responders' phones. The phones did not work on 9/11; the communications did not work. They still do not work. This will move us towards safer responding of our first responders. Over \$4 billion for rail and security and trains and buses. And very, very importantly, it calls that our grants, our grants that are based on high threat, on security risks is based just on that, security risks, so that the money goes where it is needed, not in pork barrel politics.

And today marks the end of a very long journey that, along with many of my colleagues on both sides of the aisle, including Representative SHAYS and 9/11 family members, when we joined together and formed the 9/11 Commission Caucus and introduced legislation to implement all of the recommendations. While the bill that was signed into law in 2004 did not include everything in the recommendations that our bill called for, it was a necessary first step in the process, and we are completing that process today.

The first bill was the first bill of major reorganization of our government since 1946. It coordinated all of our 15 different agencies under the National Intelligence Director, and it moved us in the right direction. This bill completes the recommendations of the commission in a bipartisan way. All the members have endorsed this legislation.

I want to note the heroic efforts of the 9/11 family members, including Mary and Frank Fetchet; Beverly Eckert; Carol Ashley; Abraham Scott; Rosemary Dillard; and Carrie Lemack. They have worked selflessly and tirelessly for years to pass this. They are an inspiration to me and this body, and I do not believe these bills would have passed without them.

Particularly, I want to note the provisions in the conference report that strengthen the privacy and civil liberties board more to the way that the

9/11 Commission recommended: a strong board, not the very weak one that the previous majority championed.

This bill establishes a strong, independent board with subpoena power. And this conference report will achieve many more significant reforms. It will make our country safer. I urge my colleagues to support this rule, the underlying bill, so that we will strengthen our homeland security and our defenses against another terrorist attack. It is based on merit. It is based on the 9/11 Commission Report. I urge an "aye."

Mr. SESSIONS. Mr. Speaker, I would like to engage the gentlewoman, if I can, since she is an expert on this important piece of legislation if she would. And the question I would like to ask the gentlewoman:

Republicans tried our very best, other than demanding, that the terrorist watch list would be applied to trains and passengers for people like on trains and Amtrak. And I wonder if the gentlewoman can tell me whether that was added in this conference report.

Mrs. MALONEY. It is not in the conference report. It is not in the underlying bill.

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, people stand up and talk about what a great job they are doing to protect this country, but they fail to get the essence because it might be a privacy concern. The fact of the matter is that all the people that are on our trains, Amtrak, that we are spending billions of dollars that are being spent for more security officers; and yet the Democrats fail to do the simplest thing, and that is, at the time you buy a ticket, seeing if you are on the terrorist watch list.

It is incredibly arrogant that this Congress would stand up and say we are doing all we can do, and yet we do not even apply the terrorist watch list to people who would be on our trains.

Mr. Speaker, I yield 4 minutes at this time to the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank my good friend and colleague from Texas, Congressman SESSIONS, for yielding. And, Mr. Speaker, I oppose the conference report to H.R. 1, and I oppose this rule that provides for its consideration as well.

Mr. Speaker, while the conference report claims to protect Americans from foreign terrorists, we should be aware that in fact it does just the opposite. Specifically, changes in the Visa Waiver Program can do us great harm.

The Visa Waiver Program enables citizens of certain countries to travel to the United States for tourism or business for stays of 30 days or less without obtaining a visa. To qualify for participation in the Visa Waiver Program, countries must meet certain established criteria which include security standards for their travel documents, and a very low rate of nationals whose visas are denied.

The conference report language needlessly lowers the standards of the Visa Waiver Program. How can we consider the expansion of this program knowing that it has already been abused by two terrorists?

Peter Gadiel, president of 9/11 Families for a Secure America whose son was killed on 9/11, says, "As family members of Americans who were murdered on 9/11, we are deeply concerned that some in Congress are working to expand the Visa Waiver Program. It is reckless and irresponsible to consider expanding the program in these perilous times, especially to accept countries that do not even meet current standards. Congress cannot and should not pass a law that would leave the door wide open for more terrorists."

Lowering the standards for the Visa Waiver Program threatens national security and makes a mockery of our efforts to combat illegal immigration. Many illegal immigrants come to the U.S. legally on a temporary basis and never return to their home country. The conference report allows the administration to permit countries with a history of visa overstayers to participate in the Visa Waiver Program, guaranteeing an increase in illegal immigration.

The administration plans to admit countries to the Visa Waiver Program that come nowhere close to meeting current standards. They want to reward countries that have cooperated with us in the war on terror, and we all appreciate the assistance of our allies, but this is no way to conduct foreign policy.

It is irresponsible to lower the standards for the Visa Waiver Program and make it easier for terrorists to get into the U.S. This is no way to protect American lives.

It is bad enough that the administration doesn't enforce many current immigration laws. It is inexcusable that it would intentionally change the law knowing that it will endanger American lives and increase illegal immigration. It is so obvious that this change in the Visa Waiver Program will result in more illegal immigration and the inevitable entry of terrorists that the administration must now take responsibility for the predictable results.

Mr. Speaker, I urge my colleagues to oppose this rule and the conference report as well.

□ 1445

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), who is the chairwoman of the Intelligence Information Sharing and Terrorism Risk Assessment. The gentlewoman and I served on the Intelligence Committee, and perhaps she might be able to educate my friend from Texas regarding watch lists and how difficult it would be in order to have watch lists, as Mrs. MALONEY put it, for 800,000 people on one rail line in New York alone.

Ms. HARMAN. Mr. Speaker, implementing the recommendations of the 9/11 Commission has been a passion for me, to honor the memories of those who tragically and needlessly died on that day, to show respect for their amazing families, and to keep our country safe.

My roles as coauthor of the intelligence reform legislation and lead House cosponsor with Mr. HOEKSTRA on its conference was a personal highlight of my service here, and I'm honored to be a conferee on this bill and to stand with Chairman THOMPSON and Ranking Member KING in support of it.

The report passed the Senate 85-8 last night. Are people seriously going to oppose a bill to implement the recommendations of the 9/11 Commission?

Sure, there's more to do. But here are many terrific things in this bill. Number 1, it improves vertical information sharing between the Federal intelligence officials and local first responders, crucial if we're to prevent future attacks, a growing possibility according to the recently released NIE on terrorism. The next attacks could be anywhere. We need our capable first preventers to have accurate and actionable information.

Second, it will reform the Visa Waiver Program which, I agree, as it currently operates, is a potential loophole. I worry that a terrorist trained in the Pakistani tribal areas and traveling on a British passport could use that program to come here and to enable a homegrown cell to conduct an effective operation against Americans in America. We need to tighten that program, and this bill does it.

There are things that are not in this bill. I still think we need more reorganization of Congress, and I also think that the legislation proposed by all nine Democrats on the House Intelligence Committee last year to provide an expedited emergency warrant process under FISA should be enacted by this House. That's all the reform of FISA we need. We have authority now to listen to foreigners abroad, despite some claims by the other side. The only thing necessary are procedural reforms, and we should enact them promptly.

Mr. SESSIONS. Mr. Speaker, I'm pleased to know how much we're protecting this country and what's included in this bill.

I think what the gentlewoman also forgot to say is that in committee they denied CBP the ability to even look at passengers' names who are coming in on rail from other countries to the United States. Once again, another failure from this Democrat Congress.

Mr. Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I would ask my colleagues to vote against the rule for the consideration of this conference report. And if the rule is defeated, this House should turn its immediate attention to a critical problem facing this country.

We have the perfect opportunity here, and the conferees had a perfect opportunity to add the most important action that this Congress must take, before we leave in August, into this conference report, and that is critical reforms to the Foreign Intelligence Surveillance Act.

The problem is what this bill does not do. It is the perfect vehicle, the perfect train leaving the station to get a bill down to the President and get his signature immediately on foreign intelligence surveillance reform. But it's going to go to the President without the most critical piece of legislation that we should be working on. This is our responsibility, to fix the Foreign Intelligence Surveillance Act.

Just yesterday, the Director of National Intelligence, Mike McConnell, wrote to the members of the House Permanent Select Committee on Intelligence, and in his letter he said, "Simply put, in a significant number of cases, we are in a position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas."

He went on to say, "in short, resource allocation is not the fundamental issue we face in this area, but instead a fundamental problem with a law that requires modification to ensure we are protecting America, while respecting the privacy rights of Americans."

"It is essential," he said, "that the administration and Congress work together and without delay to close the current intelligence gap by amending the FISA statute."

The responsibility is here in this body to fix this law as quickly as possible, without delay, to make sure that we can listen to foreigners in foreign countries who are using our communications networks to plot to kill us.

This House has failed to act. I, again, call on the leadership of the Democratic Party and to the Speaker of the House, personally, before we adjourn for August, to bring FISA reform legislation to this floor, and I would ask my colleagues to oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who is on the Committee on Homeland Security, and the chairman of the Select Committee on Global Warming.

Mr. MARKEY has fought diligently regarding airport screening. The gentleman from Florida isn't in here now that talked about screening as not being something that's important.

Mr. MARKEY. Mr. Speaker, September 11 was a very important day in Boston history. Mohammed Atta and nine other terrorists hijacked two planes with hundreds of people on them 2 miles from my house and flew them into the World Trade Center, killing not only the people in the World Trade Center, but all of the people on those two planes from Logan airport.

For the last 5 years, we've had a fight over whether or not we should screen

the cargo which goes on passenger planes in our country. Yes, each of us has to take off our shoes, our bags have to go through, we have to take off our wristwatches, children's baby carriages have to be inspected. But, believe it or not, then the cargo is placed right under our feet, and it's not screened. Billions of pounds of cargo not screened.

And so this cargo loophole has been fought by the cargo industry, opposed by the Bush administration, but now it is in this legislation. And henceforth, all of the cargo which goes onto passenger planes in our country, placed next to the bags of passengers, placed under the feet of passengers on planes, will also be screened. And so now cargo will have this on it. Screened, safe to place upon those planes. It is a huge moment in security. This bill is historic.

And secondly, although the Bush administration has opposed it, this legislation also includes my language which is going to require the screening of cargo on ships coming into ports in the United States.

Right now cargo with a nuclear bomb in it, which we know is al Qaeda's top goal, to obtain a nuclear weapon from someplace in the former Soviet Union, move it to a port in the world and move that ship with the cargo into New York, into Long Beach, into Boston, and then detonate the nuclear bomb before it is taken out of the cargo hold of that ship, destroying that American city. Because of the language in this bill, that cargo will now be screened in the port overseas before it ever leaves for our country. It will be screened for a nuclear bomb overseas, thwarting the highest objective which al Qaeda has, which is to detonate a nuclear bomb.

Now, I can understand the Bush administration's misgivings about it, and I understand that many of the Senators, Republican Senators will not sign this conference report because of this requirement. I think they're making a historic mistake. This is at the top of the terrorist target list. This is what they want to do to American cities, detonate a nuclear bomb on a ship already docked in a port in the United States before it's ever taken off that ship.

This legislation is historic. I congratulate Chairman THOMPSON. I congratulate the staff. I congratulate the bipartisan nature for the vast majority of this legislation. It is overdue. It is overdue.

We must put in place the defense, now, against al Qaeda returning to finish their plot against us here in the homeland.

Al Qaeda came to Boston to begin this attack. There's no reason to believe they can't return to those very same planes, to those very same docks where al Qaeda came in. They came in through the ports of Boston to, in fact, wreak this catastrophic event on our country.

Vote "yes" on this bill.

Mr. Speaker, as the principal author of the air cargo security provision in Section 1602 of the conference report—Screening of Cargo Carried Aboard Passenger Aircraft—I want to make several points clear.

While the House version of the bill used the term "inspected" and the Senate version used "screened", neither bill actually defined these terms. The language in the final version of the bill does define "screening", and it makes clear that screening does not mean what DHS currently considers screening—reviews of manifests, information about shippers (Known Shipper program), etc.

To make clear what is meant by screening, the final bill states that:

The system used to screen 100 percent of cargo carried on passenger planes must provide a level of security on par with the level of security for passengers' checked bags. Specifically, the language states that the system "shall require, at a minimum, that equipment, technology, procedures, personnel or other methods approved by the Administrator of TSA are used to screen cargo carried on passenger planes to provide a level of security commensurate with the level of security for the screening of passenger checked baggage." (emphasis added). A 3-year deadline is established to get to 100 percent, with an interim benchmark of 50 percent of cargo within 18 months of enactment.

Screening means an examination of the cargo's contents, not just information about the cargo, consistent with the mandate that the cargo screening must be on par with the security standard for screening of passengers' checked bags. The bill stipulates the cargo screening methods TSA is to use to meet this standard: "Methods of screening include x-ray systems, explosive detection systems, explosive trace detection, explosive detection canine teams certified by the TSA, or a physical search together with manifest verification." These are methods currently used for checked bags.

While TSA may approve additional methods, *they cannot be solely data checks, and must also utilize physical checks.* As the final language makes clear: "The Committee is also concerned about TSA using data checks of cargo or shippers . . . as a single factor in determining whether cargo poses a threat to transportation security. The Conference substitute, therefore, requires that if such data checks are used, they must be paired with *additional physical or nonintrusive screening method approved by TSA that examines the cargo's contents.*" (emphasis added).

There has been some discussion in the media about Congress's intent in passing this provision. I want to address these points and make clear the intent of the provision.

One concern that was raised is that as much as 60 percent of air cargo could be exempt from a mandatory physical inspection at airports, under a new program to be called Certified Shipper.

As noted above, the language in the final version of the bill requires that the system for screening all cargo on passenger planes must "provide a level of security commensurate with the level of security for the screening of passenger checked baggage." All cargo on passenger planes must be physically examined before it is loaded onboard, a major departure from current practice. While TSA may be con-

sidering a so-called "Certified Shipper" program that would require physical examination of all cargo in a location off the airport grounds and then a sealing of the cargo containers with tamper-proof seals, this plan, and any such system developed by TSA, must provide a level of cargo security on par with the level of security for checked bags, which includes the requirement that the contents of all the cargo must be physically checked.

The final version of the bill mandates that the Department of Homeland Security issue a rule to implement a system consistent with the bill's 100 percent cargo screening requirement. Congress, along with stakeholders who have been working to require 100 percent screening of all cargo carried on passenger planes, will be watching TSA's plans closely to ensure that the implementation of the cargo screening mandate in the bill is performed in a manner that complies with the mandate in the final version of the bill. If TSA's system does not "provide a level of security commensurate with the level of security for the screening of passenger checked baggage" as required in the bill, it will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Another concern that has been raised is that companies that participate in the Certified Shipper program would still have to follow security rules, including conducting their own package inspections and putting special tamperproof seals on containers, but packages handled by these companies, which will probably represent the bulk of the air cargo industry, would generally be exempt from mandated electronic, canine or other physical inspections at the airport.

Again, a so-called "Certified Shipper" program or any other program that TSA develops to implement the mandate to screen 100 percent of the cargo on passenger planes must meet the standard that it provides a level of security on par with the level of security for passenger checked bags. At this point, it is unclear whether a program that screens and then seals cargo outside the airport perimeter would meet this standard.

In an April 2007 report requested by Representative MARKEY and other Members, the Government Accountability Office (GAO) noted that the Department of Homeland Security is conducting pilot programs to test a number of currently employed technologies used in other areas of aviation and transportation security, as well as new technologies. These pilot programs include an air cargo security seals pilot, which is exploring the viability of potential security countermeasures, such as tamper-evident security seals. According to GAO, TSA anticipates completing its pilot tests by 2008. (GAO-07-660 Aviation Security). Before implementation of any TSA air cargo program relying on seals, a thorough, comprehensive assessment of the effectiveness of such seals will have to be conducted. Again, if such a system does not "provide a level of security commensurate with the level of security for the screening of passenger checked baggage" as required in the bill, it will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Another concern that has been raised is that a program similar to Certified Shipper that is

used by Customs and Border Patrol for ship cargo has frequently been criticized. Auditors have found that companies in this program are sometimes permitted to move their goods more quickly even though there is insufficient proof that they have a robust security system in place.

The program referred to above is called the Customs—Trade Partnership Against Terrorism (C—TPAT). I have criticized C—TPAT for many of the same reasons cited above. In fact, in addition to the air cargo screening requirement, the final version of the bill also includes a requirement that 100 percent of maritime cargo must be screened and sealed overseas before it arrives in U.S. ports. Clearly, with the inclusion of this mandate in the final version of the bill, Congress rejected C—TPAT as a substitute for 100 percent scanning of maritime containers. It did not intend, nor would it permit, a program for screening 100 percent of air cargo that is based on the flawed C—TPAT program.

By establishing the standard that TSA's system for screening 100 percent of cargo on passenger planes must *"provide a level of security commensurate with the level of security for the screening of passenger checked baggage"*, the final version of the bill creates requirements much more stringent than the C—TPAT program. C—TPAT uses risk-based process, not mandatory, comprehensive screening. Specifically, C—TPAT security guidelines state that "C—TPAT recognizes the complexity of international supply chains and endorses the application and implementation of security measures *based upon risk* analysis. Therefore, the program allows for flexibility and the customization of security plans based on the member's business model. As listed throughout this document appropriate security measures, *based on risk*, must be implemented and maintained throughout the Air Carrier's supply chains" (emphasis added, http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/security_guideline/guideline_air_carrier.xml)

The air cargo provision requires 100 percent screening, not risk assessment. The air cargo provision mandates screening of all cargo carried on passenger planes within 3 years. Under the air cargo provision in the conference report, no risk calculation is permitted to determine whether or which cargo to screen; rather, all cargo is presumed to present a risk and must be screened, just as all of passengers' checked bags must be screened under the current policy.

The C—TPAT program relies on data and manifest information, not physical checks. C—TPAT guidelines advise program participants in the procedural security measures they should use for the shipping and receiving of cargo. These procedures rely on data and manifest checks, not the physical screening of the cargo to determine and evaluate its contents. Specifically, the C—TPAT guidelines state that: "Arriving cargo should be reconciled against *information* on the cargo manifest. The cargo should be accurately described, weighed, labeled, marked, counted and verified. Departing cargo should be checked against purchase or delivery orders." (emphasis added)

Whatever system TSA establishes to implement the 100 percent air cargo screening requirement in the bill will be subjected to close congressional scrutiny to ensure that it meets

the standard established in the bill; namely, the system must provide a level of security commensurate with the level of security for the screening of passenger checked baggage, as stipulated in the bill. Again, any TSA system that fails to meet this standard will not be in compliance with the congressional mandate in the final version of the bill, and therefore will be in jeopardy of being halted or modified by Congress to bring it into compliance with the law.

Mr. SESSIONS. Mr. Speaker, at this time I'd like to yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, I think the last speaker set the perfect tone for what I'd like to talk about. He talked about the threat from al Qaeda and that high on their list is their desire to explode a nuclear weapon in the United States. I think their quote goes something along the lines, if, by the grace of God, we get access to a nuclear weapon, we will use it.

We know that in their writings they talk about they want to move the violence from what they call the outlying areas of the world, from the Middle East, from northern Africa, from Asia, and they want to move it to the core countries. And they define the core countries as being Western Europe and the United States. It's clear that they want to take every opportunity to attack the United States. And it's great to see one of my colleagues on the other side of the aisle acknowledge that threat. Sometimes I really believe, with the strategies that they are proposing, as to whether that threat is really perceived.

So what are we going to do in this bill?

I find it very ironic that as we move forward with this bill, we're going to give radical jihadists and al Qaeda more information about our Intelligence Community than what they have today. This bill says that we're going to tell al Qaeda, radical jihadists, and our enemies around the world exactly how much we spend in the intelligence community. If that makes us safe or makes us safer, I suppose that the next strategy will be, let's break it down and outline how much we spend in every category. Because if telling them the total number makes us safer, giving them even more detail probably makes us more safe, makes us safer yet.

Why would we want to tell al Qaeda more about what we are doing in the intelligence community?

And then the other question is, while we tell al Qaeda more about what our strategies and tactics are to confront them, we don't deal with the most pressing homeland security issue that we face today. Our intelligence community has significant gaps as we try to listen and determine what their plans and objectives and strategies are.

The Director of National Intelligence recently sent our committee a letter saying significant gaps exist in our in-

telligence. The National Intelligence Estimate that came out in the last week says that we are at a heightened level of threat. Things are more dangerous perhaps in the United States today than they were earlier this year. We've had this information since the middle of April, that because of changing circumstances and various other issues, this intelligence gap exists. We have this opportunity to change it.

So we know that we are at a heightened threat level. We know that there are gaps in intelligence. We are on the verge of passing this major bill, and we decide we're going to take this opportunity. We're going to use this as an opportunity to give radical jihadists more information about our Intelligence Community. But we are not, we are not going to provide the intelligence community with the legislation and with the opportunity and the authority to go in and listen to foreign intelligence by foreign terrorists who are located outside of the United States. They are in foreign countries.

I would encourage every single one of my colleagues to read the letter that Director McConnell sent to our Intelligence Committee. It is unclassified. You can see clearly in his statement that a gap does exist, that he does need to get a warrant, and that this is about foreign intelligence on foreign terrorists.

□ 1500

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Texas, my good friend (Ms. JACKSON-LEE) of the Committee on Homeland Security.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Rules Committee for yielding.

I would like to say to my good friend the provision is simply a 2-year pilot that only indicates the amount of the Intelligence budget. We know how important intelligence is, but I think we need to look at the whole bill of H.R. 1. And many of us sometimes need to be reminded of the enormity of that day.

I am very glad to stand here and support the rule for H.R. 1, the 9/11 conference report, because it emphasizes unique and new approaches to security. How more comforted we are as travelers to know that cargo is being inspected in ports, consumers or those who understand how vulnerable ports are. I know it well. I have one of the larger ports in the United States in my community, the Houston port.

How many of us are more comforted about cargo being inspected in airlines. How many of us are more comforted by the fact that we will have transportation security grants that go directly to the transportation entities like buses, like airplanes, like subways, like mass transit, Amtrak, and others to focus on the traveling public.

How disappointed I am that we didn't recognize the hardworking people who

work for us every day that we could not give collective bargaining rights for the Transportation Security Administration workers. But we are getting better. We are going to do developmental training, professional training.

This is a bill to remind us of where we have come from and where we are going. Interoperability, incident command system.

And, finally, let me just say we lost lives on 9/11 because we were not prepared in terms of the intelligence community. We were not prepared in terms of supporting the law enforcement community. Today we are prepared. We shall never forget.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Oregon (Mr. WU), who is chairman of the Science Subcommittee on Technology and Innovation.

Mr. WU. Mr. Speaker, I rise in support of the rule and of the conference report.

I was honored to serve on the conference committee. It was a good team effort. And as anyone in team sports knows, it takes a good offense and a good defense to make a good team. This bill takes important steps toward building a good defense, and good defense today is more important than ever because our offense has miscarried so badly.

There we were pursuing Osama bin Laden literally to the ends of the Earth, to Tora Bora, when this administration steered us off that course and into the cul-de-sac of Iraq.

This bill will build a better defense because we need it more than ever. We need this bill not just as legislation but as a reminder to carry forth with the oversight that this Congress has traditionally exerted.

The jurisdiction of my subcommittee and of the Homeland Security Committee over the Domestic Nuclear Detection Office is more crucial than ever as that body chooses technologies to protect this Nation going forward.

Eternal vigilance is the call for the day, and I am committed to exerting that vigilance going forward from this day.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 1½ minutes to a distinguished new Member of the U.S. Congress from Pennsylvania who is chairman of the Subcommittee on Management, Investigations, and Oversight (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I would like to thank Mr. HASTINGS for the time.

I rise today in support of the rule, certainly.

I find it a little bit odd, perhaps curious, that our friend from Texas on the other side talked about security failures. This talks about fixing security failures. And I am very pleased with

this bill and the bipartisan efforts to ensure our Nation's safety and to make our homeland more secure.

Since coming to Congress, one of the first things I have been concerned with is the interoperability question between first responders. The 9/11 Commission in effect cited this as one of the critical weaknesses in our security system. This bill addresses that failure and puts \$1.6 billion, in fact, into fixing that and to addressing the problem over 5 years. This is critical for the urban areas and certainly for the rural areas that I represent.

The bill also contains measures to promote information sharing between local, State, and Federal law enforcement officers. This is another recommendation, something we must strengthen.

We have also strengthened efforts to prevent terrorist travel. The bill strengthens the Human Smuggling and Trafficking Center and adds personnel to it, again in direct response to the 9/11 Commission's recommendations.

The bill will also enhance the security in the transportation sector. We must do more to make our transportation infrastructure safe and this does that.

In closing, I urge all my colleagues to support this bipartisan effort to make our Nation safer and to vote in favor of the rule.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to another distinguished member of the Committee on Homeland Security, my very good friend from the Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the rule and the conference report on H.R. 1, which implements the recommendations of the 9/11 Commission. And I am proud to be associated with this bill as a member of the Homeland Security Committee and as a member of the conference.

I want to join my colleagues in applauding our committee Chair, BENNIE THOMPSON, for skillfully leading the House conferees and working with the Senate to reach a compromise between the Senate and House negotiators on this legislation that strengthens the safety of all Americans against terrorist attacks and catastrophic disasters.

H.R. 1 was the first bill we Democrats passed when we assumed leadership of this Congress, and this conference report fulfills our promise to fully implement the recommendations of the 9/11 Commission.

With this conference report, we will see greater distribution of homeland security grants for States, territories, and high-risk urban areas based on risk, while still ensuring that all of our districts have funds available for basic preparedness. It creates a dedicated grant program to improve interoper-

ability at local, State, and Federal levels. The conference report requires 100 percent screening of maritime cargo within 5 years, and it also recognizes the important role that the private sector plays in securing our Nation by engaging the private sector to strengthen and secure 85 percent of the Nation's infrastructure.

Mr. Speaker, I also want to congratulate Leader PELOSI and all of our leadership for their steadfast commitment and dedication to making protecting our homeland one of the top priorities for Democrats.

I urge my colleagues to support passage of this conference report.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield at this time 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. HASTINGS, for this time.

Mr. Speaker, I rise in support of the rule and the bill.

This is an important day in American history. Today the Congress will send to the President a bill that provides the framework for our homeland defense community and takes a giant leap towards that service.

On intelligence, cargo scanning, transportation grants, and a host of other issues, this bill reforms and enhances our existing structure to maximize our security.

In particular, I am pleased that we were able to add the Transportation Technology Center in Pueblo, Colorado, to the National Domestic Preparedness Consortium. As the Nation's premier rail security facility, adding this to the consortium will improve our Homeland Security Department's ability to train first responders.

I want to note the hard work of my colleague JOHN SALAZAR on this important issue, and I want to thank Chairman THOMPSON and the members and staffs of both sides of the aisle in crafting a bipartisan bill that will work for the American people.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time until the gentleman has closed.

I would ask the Speaker how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 2 minutes remaining; the gentleman from Texas has 5 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I will be asking for a recorded vote on the previous question for this rule. If the previous question fails, I will ask the House to amend the rule to provide for the separate consideration of H.R. 3138, which would amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

Mr. Speaker, our country is facing a serious problem that must be addressed before the House adjourns in August. And to date the Democrat majority has continued to shirk their responsibility

to keep America safe by ignoring the seriousness of this threat.

Today the Rules Committee met to pass a rule for the Eightmile Wild and Scenic River Act; however, this Democrat leadership cannot seem to find time to schedule consideration of legislation that clarifies one very simple and critical thing, and that is that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States.

Mr. Speaker, repeatedly Members of this House have come to the floor for weeks and weeks and weeks asking for that ability to make sure we can get this done to protect the American people. The Director of National Intelligence, Michael McConnell, and the Director of the CIA, Michael Hayden, have testified to Congress that under current law their hands are tied. As Director McConnell recently testified, FISA is outdated and has been made obsolete by technology. I might also say, and the laws governing that. And today our intelligence community is forced to obtain warrants to listen to terrorists outside our Nation, and as a result we are actually missing, we are missing, a significant portion of what we should be getting. Mr. Speaker, it is one thing to be asleep; it is a different thing not to even wake up and see what you need to do.

If my colleagues on the other side of the aisle are serious about facing down the threat, they will join me in defeating the previous question so the House will be able to address this very real and serious threat immediately.

Mr. Speaker, I ask unanimous consent to include my amendment and extraneous materials in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, you do know and every Member of this body does know that the 9/11 Commission Report was published in the year 2004. Since that time an election has occurred. Before that time and even before this 9/11 Commission Report came into existence, President Bush did not even want to appoint a 9/11 Commission. He came kicking and dragging and screaming to even cause it to come into existence. And the extraordinary work that has been done by Lee Hamilton and Governor Kean and the other members of that committee recommended to this body in 2004 that we undertake these measures.

So now we come here, and I ask them, what did you do before that? The answer is nothing.

Mr. Speaker, this body has a responsibility today to pass this rule and the underlying legislation. We can't afford

to continue to procrastinate, as my colleagues did since 2004.

Today this new Democratic majority is delivering another piece of our Six for '06 promises. Today this Democratic majority is passing and sending to the President for his signature the 9/11 Commission's outstanding recommendations.

The fact of the matter is that bad people who want to do bad things will always try to find a way to succeed. This conference report ensures that we are doing everything we can here in the United States and abroad to stop that from happening.

I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 567 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1515

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 567, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 25, 2007, at page H8496.)

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is indeed historic, this conference report we have before us at this point.

Almost 3 years ago, 10 American patriots came forward and spoke with one unified bipartisan voice. What they said in their 567-page report fundamentally changed America's views of its security. Quite simply, Mr. Speaker, the 9/11 Commission did its job and told us what must be done to deter and prevent future terrorist attacks on our Nation.

When Congress didn't do its job to implement their recommendation, the 9/11 Commission stayed vigilant and formed the 9/11 discourse project. They did so, as they explained, because the perils of inaction are far too high and the strategic value of the Commission's findings too important for the work of the 9/11 Commission not to continue.

Unfortunately, the project's December 2005 report card found little progress was being made on addressing known vulnerabilities and gaps in our Nation's security. Still, Mr. Speaker, the 109th Congress did not do its job.

On January 5, however, at the direction of Speaker PELOSI, I introduced H.R. 1, a bill to complete the unfinished business of the 9/11 Commission, with 200 of my fellow colleagues. Today, I'm privileged to present a bipartisan conference report that finally fulfills the recommendations.

This report passed the Senate just last night before midnight by a vote of 85-8. When H.R. 1 is law, Mr. Speaker, Homeland Security grants will finally be allocated based on risk. Targeted communities will get the Federal help they so richly deserve. First responders will have interoperable communications. When H.R. 1 is law, information necessary to uncover terrorist plots will be exchanged between Federal and local law enforcement. Would-be terrorists will not be able to exploit the Visa Waiver Program. Privacy and civil liberties will be central in how we approach homeland security. Our rail, mass transit and aviation systems will be more secure. When H.R. 1 is law, 100 percent of U.S.-bound cargo will be scanned in a commerce-friendly manner.

Though I'm disappointed that collective bargaining and whistle-blower rights for TSA screeners were not included in the final report, I applaud Senator LIEBERMAN and the 42 other conferees who stood with us on this legislation. Their hard work, combined with the leadership of Speaker PELOSI, Majority Leader HOYER, assured that this effort came to fruition.

Frederick Douglass once said, "The life of a nation is secure only while the nation is honest, truthful and virtuous." Thank you to the 9/11 Commission for exemplifying these values. And thank you to the 9/11 families, and everyone else who would not let us forget what was at stake if we did not act.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me commend all the members of the

Homeland Security Committee, especially Chairman THOMPSON, for the spirit of bipartisanship which did bring the floor to this moment right now, this conference report.

Having said that, I must take exception to a number of the statements that have been made here today, especially by the gentleman from Florida and his statements implying somehow that there has not been a significant amount of accomplishments since September 11, 2001.

Let me just recount some of them that were done prior to this. The enactment of the PATRIOT Act; the reauthorizing of the PATRIOT Act; the Intelligence Reform Act, which created the Director of National Intelligence; just last year, the adoption of the first-ever port security act; chemical plant security; restructuring FEMA; \$1 billion for interoperability.

I really don't think it serves a purpose to somehow be suggesting that the Republicans, or any Member of this body for that matter, is holding back or in any way not doing all that is possible to protect our Nation against the threat of Islamic terrorism. For instance, the National Intelligence Estimate, when it was released last week, made a point of stressing that the greatly increased counterterrorism efforts over the past 5 years have constrained the ability of al Qaeda to attack the United States' homeland again and have led terrorist groups to perceive the homeland as a harder target to strike than on 9/11. These measures have helped disrupt known plots against the United States since 9/11.

So, Mr. Speaker, I don't think it does any purpose at all to downgrade the efforts made by this Congress and this administration. This should be a bipartisan effort, and I think a lot of the rhetoric today undermines that.

Having said that, I will be supporting this bill because, on balance, I believe there have been significant improvements made. I hope that next year and the year after and the year after that we continue to make improvements.

Now, there have been some failures. One of the main requirements, main recommendations of the 9/11 Commission was that jurisdiction be consolidated in one committee. That was not done. In fact, anyone who went to the first meeting of the conference committee, it was like the Tower of Babel. We had subcommittees and committees, and ranking members and committee chairmen. I think there were about over 60 people at a conference committee when there should have been four.

Having said that, I believe that this is something to work toward in the future. And I would hope that the Democrats, during the time that they still retain the majority, will work to consolidate that jurisdiction.

But some of the positive steps, on grant reform, I certainly agree with the gentleman from Mississippi on this, and I commend him for this. We did

have long, involved preconference negotiations. And he worked with me and Senator LIEBERMAN and Senator COLLINS to come up with a grant formula which is far more based on risk than it was before. It's still not perfect, it was still a minimum that's going to be in there, but having said that, it's a significant advance over what we've had in the past, and I applaud him for that. I applaud the other members of the conference committee, and the bipartisan membership of our committee which passed similar legislation in 2005 and 2006, and now it has been brought to fruition. And I give Chairman THOMPSON credit for that.

Also, on another issue, which I'm very pleased is in this bill, and that's upon the issue of giving immunity to those who come forward and report suspicious activity. I want to thank my good friend, Mr. PEARCE, the gentleman from New Mexico who is here today, who was the first to initiate this legislation. Then we passed it here on the House floor in March. And so long as we're in a partisan mood today, I point out that a majority of Democrats voted against that. And last week, a majority of Democrats voted against it in the Senate. And to me it was unfortunate that we had to have 5 or 6 days of intense negotiations before the Democratic leadership finally intervened and brought about the insertion of that language into the conference report. But it is there; it gives immunity to those people who come forward and report what they see on good faith. And we learned on September 11, if you see something, say something.

We know that you cannot have enough FBI agents, you cannot have enough police officers to monitor the actions of Islamic terrorists. We need the eyes and the ears of millions of good Americans, and that's what this language protects.

Before I slow myself down, let me just say that at the conference committee from the other side, I want to commend Senator LIEBERMAN and Senator COLLINS. This was a true bicameral effort. And again, Chairman THOMPSON, we went through a number of, over a period of weeks, preconference negotiations, all of which were conducted in good faith. And I think the product today, again, while not perfect, is another step in the right direction, building on the steps of the previous 5½ years.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to suggest to Mr. KING that it would have been nice to have four conferees, but it was a 900-page bill, so we had 60. It worked, and I'm happy to see the process go forward.

I would like to yield 1 minute to the chairman of the Intelligence Subcommittee on Homeland Security, the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the Chairman for yielding to me. I spoke on the rule

about the merits of this bill and commended him for the job that he has done leading the Homeland Security committee in this Congress.

I rise again to clarify something. It seems a shame to me that this good bill is being disparaged. Claims are being made that we have no ability now, under the Foreign Intelligence Surveillance Act, to intercept foreign-to-foreign communications. That is false. Foreign-to-foreign communications are not covered by the Foreign Intelligence Surveillance Act, FISA. We can intercept them, and we should be intercepting them vigorously right now. The question comes up only in circumstances when FISA is triggered because a U.S. person is involved. But in that circumstance, we should still intercept those communications, and we should then be getting emergency warrants, a limited number of individualized emergency warrants when an American is involved. That can happen now under FISA, which has been modernized many times since 9/11. If additional resources are needed to implement the emergency warrant section of FISA, legislation proposed by the Democrats on the Intelligence Committee last year should be enacted.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from California, the former Attorney General of California, a man who came back to Congress to combat terrorism, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have to say that I am very proud of this House and the work that it has done on a bipartisan basis over the last number of years, the intervening years since 9/11. That's why I was somewhat surprised by some of the comments, certainly from the gentleman from Florida, during the debate on the rule suggesting that nothing has been done since that time until we adopt this bill.

I support this bill. I think it does give us an improved state over what currently exists. But to suggest that we haven't done anything suggests to the American people that the billions of dollars that they have spent, as authorized by this House, the fact of the inconveniences they go through at airports, all the expenditures we've made with respect to increasing protections in aviation, in our ports, transit, and now what we are already doing with respect to chemical facilities is for naught.

And when we make those arguments, we tend to lose the support of the American people because they throw their hands up and say, no matter what you do, it doesn't make anything better. We ought to make it very clear, we are safer today than we were on September 10. We are safer today than we were 2 years ago, 3 years ago, a year ago. Are we safe enough? No. But to denigrate the efforts that have been made by good men and women in this body and the other body, the work that's being done by countless thou-

sands of law enforcement individuals across this country, to denigrate the changes that have been made with respect to the cooperation between the intelligence community, the law enforcement community, and law enforcement communities on all levels, is nonsense. And more than that, it is detrimental to our effort to make this a safer country for the people we represent.

This bill is a good bill. It has its warts like anything else, but it's a good bill precisely because it builds on the achievements we have made over the last number of years.

I want to thank the gentleman from Mississippi (Mr. THOMPSON) for working on our committee in a bipartisan basis, as the gentleman from New York did during his tenure as Chair. I think we have established a good basis for bipartisanship in this committee, and I think we ought to bring that to this floor.

The American people should understand that the further we get away from 9/11 without having an attack on our land, the more difficult it is for us to continue to keep the vigilance up.

□ 1530

But the fact that we have succeeded does not mean the threat has diminished. In many ways, it is stronger, not because we have not done anything, but because the enemy is strong.

So I would say vote for this bill, take pride in this bill, but also take pride in the progress that has been made up to this point.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), one of the conferees, as well as the chairman of the House Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I compliment Chairman THOMPSON on the superb work he has done as Chair of the Committee on Homeland Security. He is the right man at the right time in the right place. He has approached his responsibility with great sincerity and focus of purpose. He has accomplished a great deal, an enormous amount in his first year as chairman. He has defended the House position on the Homeland Security 9/11 Commission Report to the best of his ability against a rather obstructive other body.

I had great reservations about creating a Department of Homeland Security at its very outset. I opposed formation of the Department in 2002 on operational grounds. Four years later, I still question the Department's effectiveness in managing the responsibilities we have handed to it.

On signing the Homeland Security Act in 2002, the President said, "Our objective is to spend less on overhead and more on protecting neighborhoods and borders and waters and skies from terrorists."

In at least one respect, this bill doesn't meet that objective. The con-

ference report authorizes new rail, public transportation, and over-the-road bus security grant programs that will provide historically high levels of funding for those modes of transportation. I am for that. I support those needed investments.

But in the House bill, we recognize that the most efficient way to administer these programs and get the money out to the recipients was to have the Department of Transportation and the Department of Homeland Security share those responsibilities.

The Department of Homeland Security in the House bill was to award grant funds based on risk and select grant recipients and then transfer those funds to DOT, which through the Federal Transit Administration administers \$9 billion a year efficiently and effectively on time to transit agencies to disburse those grants with its already effective, award-winning distribution program.

Instead, in the conference, we met with nothing but obstruction from the other body. I offered several fair and sensible compromises: have the Government Accountability Office review the existing grant distribution programs of the two Departments and make recommendations; have the Inspectors General of the two Departments jointly certify that DHS was ready to distribute grant funds efficiently; and monitor and enforce the various grant certifications, including labor protections. That was rejected, as the previous was rejected. I offered for DOT to distribute the grant funds in the early years of the program to allow DHS to get up to speed and get an efficient program running. That was summarily rejected.

Now we are going to have the Department of Homeland Security and the Department of Transportation getting together and signing a memorandum of understanding. That is not going to work. This is a great mistake. It is misguided and works contrary to the best purpose of this Department.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, notwithstanding the excessively partisan comments from the gentleman from Florida that did not serve this bipartisan, bicameral product well, I do want to thank Chairman THOMPSON and Ranking Member KING of the Homeland Security Committee for their hard work to bring this very fine bill together. As a member of the conference committee, I had an opportunity to see firsthand the extraordinary leadership these two gentlemen provided. I thank them for that.

This leadership really came together and really came to the forefront during the debate on the so-called "John Doe" provision. I vigorously applaud their efforts to make this immunity grant part of the bill. These provisions were made necessary because of an outrageous lawsuit that attempts to punish airline passengers and crew for

being vigilant. Contrary to what some might think, vigilance on the part of our traveling public is important, especially during a time when terrorists want to attack us both at home and abroad.

Above and beyond the "John Doe" language, this bill has noteworthy accomplishments. It allows a greater percentage of homeland security funds to be distributed based upon risk, and it authorizes funds for transportation security.

Further, as ranking member of the Subcommittee on Emergency Communications, Preparedness and Response, I was especially pleased that this report establishes a new grant program within the Department of Homeland Security that will promote the development of interoperable communications.

But while this bill has some good provisions, it does leave some 9/11 Commission recommendations and some 9/11 Commission business undone, especially in two important areas. First, it does not address the issue of congressional jurisdiction over the Department of Homeland Security, and it does nothing to promote the development of a comprehensive screening system for international travelers arriving at our borders.

Had the majority chosen to incorporate my Fast and Secure Travel Initiative into this legislation, we would have dovetailed very nicely with the transportation security provisions contained within the act. Frankly, that second recommendation would have satisfied completely.

Passage of this conference report, though, is another part of our continuing efforts to keep our homeland secure. It is a laudable step. But as you can see, there is still much more to do.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader of the House of Representatives.

Mr. HOYER. Mr. Speaker, I want to congratulate both Mr. KING of New York and the chairman of the committee, who I know worked very hard together in a bipartisan fashion to get us to a place where we all want to be. Where we all want to be is a safer America, a safer homeland, and safer Americans living here at home.

Mr. Speaker, this is a critically important day for this Congress and indeed for our Nation. We have no higher duty than to protect the American people, defend our homeland and to strengthen our national security. We know, nearly 6 years after the horrific attacks on September 11, 2001, that Osama bin Laden and the al Qaeda terrorist network continue to present a real, serious threat to the American homeland.

In fact, the most recent National Intelligence Estimate released just this month states: "The group, al Qaeda, has been able to restore key capabilities it would need to launch an attack

on U.S. soil: a safe haven in Pakistan tribal areas, operational lieutenants, and senior leaders." That is cause for concern for every one of us that represents the 300 million Americans in this country.

Thus, today, with this conference report implementing the recommendations of the bipartisan 9/11 Commission, we will be taking an enormous step forward in hardening our Nation's defense and combating and eliminating the terrorists who seek to harm us.

Let me say my friend, the gentleman from California, the former Attorney General of California, is correct. Steps have been taken, and these are taking additional steps. Unfortunately, as the gentleman knows, when we were assessed by the 9/11 Commission itself, it gave five Fs and 12 Ds to our performance up until last year. That does not mean we didn't do some things. We did some very good things, and we did them in a bipartisan fashion. He is right, we got 9 Cs and two incompletes for failing to implement fully the 9/11 Commission.

Today, we make this top national security priority, the first major bill that we considered in this Congress, H.R. 1, a reality, and I believe we will adopt the conference report which passed the Senate 85-8 with strong bipartisan support, as has been expressed on this floor.

This legislation, among other things, will substantially improve our homeland security by doing the following. I know it has been referenced, but we ought to repeat it, so the American public and all of our colleagues know what we are doing:

Significantly increasing the share of State homeland security grants provided on the basis of risk. Where are we most vulnerable? The gentleman, of course, from the New York area knows that very well. I know it as well, representing the Washington metropolitan area.

Requiring scanning of 100 percent of maritime cargo containers by 2012. The gentleman from New York, Mr. NADLER, has been working on this issue every day since 9/11, and I congratulate him for the efforts he has put in and the efforts that others have put in on this issue.

Requiring screening 100 percent of air cargo within 3 years. If the Transportation Security Administration cannot meet this goal, it must provide classified briefings to Congress on its process.

Withholding assistance to Pakistan for fiscal year 2008 until the President certifies that the Pakistani Government is cracking down on the Taliban. We still have a sanctuary for the Taliban. We still have a sanctuary for al Qaeda. We still have a staging area for al Qaeda. That is not acceptable because it continues to cause us great risk and danger.

Significantly strengthening the Cooperative Threat Reduction, Nunn-Lugar Program, and creating a new Na-

tional Bio-Surveillance Integration Center which would support Federal efforts to rapidly identify and track biological threats.

Additionally, Mr. THOMPSON and Mr. KING have included in this conference report, it seeks to reduce extremism by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East Foundation that will promote economic opportunities, education reform, human rights and democracy in the Middle East.

Let no one, however, be mistaken: this legislation alone cannot immunize our Nation from attack. However, it does represent a very important step forward for our national security.

As former Congressman Lee Hamilton, the cochair of the 9/11 Commission, has noted, and again I quote: "The bottom line is that when this legislation is enacted and implemented, the American people will be safer."

That is their expectation of us; that is our duty to them and to the Constitution we have sworn an oath to defend. That must be our objective every day, and it is surely our responsibility.

I congratulate, again, Mr. THOMPSON, who has led this committee; Mr. KING, who has fought so ably over the years to make our country safer; and I urge the support on both sides of the aisle for this very critically important legislation.

Mr. KING of New York. Mr. Speaker, I applaud the bipartisan nature of the majority leader's remarks. I thank him personally.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today to speak on the conference report, H.R. 1. I did not sign the conference report, but I will vote for the bill today.

The bill promises security and offers the hope of closing remaining loopholes in our laws by enacting the remaining 9/11 Commission recommendations. But while on one hand it increases security, on the other it undermines it through a dangerous expansion of the Visa Waiver Program.

Whenever we allow a country to participate in the Visa Waiver Program, we take a risk of admitting foreign citizens without any State Department screening. I realize that the United States should be working toward close relationships with our allies in the war on terror, but it doesn't follow that we should turn a blind eye to those security risks involved with free access to those countries' citizens.

Richard Reid, the shoe bomber, and Zacharias Moussaoui, the 9/11 conspirator, both used this program to slip into our country without close scrutiny. And this bill continues that very troubling program.

Currently, countries must undergo strict evaluation before being admitted into the program. The U.S. does not admit countries whose citizens have a

high percentage of overstaying their visas. However, this bill gives the Secretary of Homeland Security the choice to ignore a country's visa overstay.

The president of 9/11 Families for a Secure America, Peter Gadiel, has said that 9/11 families have grave concerns about Congress expanding the Visa Waiver Program. As part of the Homeland Security Appropriations Act this year, I voted with 76 of my colleagues to eliminate that program altogether.

□ 1545

Reluctantly, I will vote for the conference report today, and I urge my colleagues to pressure the Speaker to adopt a separate bill on the Visa Waiver Program so Americans can be better protected.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud to yield 1 minute to the Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for making us so very, very proud of his chairmanship, Mr. THOMPSON's chairmanship of this very important committee. Homeland security is as local as our neighborhoods and our front porches and as national as our interests wherever they are threatened throughout the world.

I rise today in strong support of this legislation to make the bipartisan independent 9/11 Commission recommendations into law. With this bill, we will be keeping our promises to the families of 9/11. We will be honoring the work of the 9/11 Commission, and we will be making the American people safer.

I salute the steadfast leadership of so many of our colleagues; as I mentioned, Chairman THOMPSON and the distinguished ranking member, Mr. KING. Thank you for your leadership, Mr. KING, as well. I also want to acknowledge Chairmen LANTOS, DINGELL, CONYERS, OBERSTAR, SKELTON, MARKEY and NADLER, who played an important role in the conference report, as well as all of your ranking members, Mr. KING, on the Republican side.

Mr. Speaker, 3 years ago this week the bipartisan and independent 9/11 Commission released its report outlining urgent and achievable recommendations for securing our Nation. Under the outstanding leadership of Chairman Tom Kean and Vice Chair Lee Hamilton, the 9/11 Commission presented a road map to protect the American people from terrorism.

In assuming power, Democrats promised a new direction for America, and nowhere was that new direction more critical than ensuring the safety of the American people. That is why on the very first day of the new Congress, our very first legislative act was to pass H.R. 1, the 9/11 Commission recommendations. It was our highest priority, to make the American people safer, and we passed it on the first day in our first legislative act.

Today we will pass the final version of this bipartisan bill. We will send it

to the President for his signature which we expect he will apply to it. And when we do, we will have done in 6 months what previous Congresses failed to do in nearly 6 years.

We could not have accomplished this without the courage and determination of those whose loved ones were lost on September 11. The families of 9/11 turned their grief into strength and advocacy, and that made America safer.

Implementing the recommendations will fundamentally change the way the President and the Congress deal with matters related to terrorism, making us more unified and more effective. This is because this bill closes loopholes and weaknesses that terrorists seek to exploit and that leave Americans vulnerable.

I know others have addressed these, but in commending the committee in a bipartisan way, I want to highlight some of the important things that make America safer.

Federal funding for homeland security will now be focused on those parts of the country that are at the greatest risk. By securing loose nuclear material abroad, this bill will help prevent terrorists from acquiring weapons of mass destruction. That is a very, very important issue.

Our bill requires that 100 percent of shipping containers be scanned and sealed abroad before they ever reach our shores and move through our waterways and across the country. Mr. NADLER, thank you for your exceptional leadership and your persistence on this matter. 9/11 occurred in your district, and you have been a relentless advocate for safety for all Americans.

It also requires the screening of 100 percent of cargo on our passenger aircraft, a provision again relentlessly pursued by Congressman MARKEY.

We know that lives were lost on 9/11 because our first responders were not able to communicate with each other in real-time. This bill makes a \$1.6 billion investment in the equipment for our fire fighters, police and other emergency personnel, the equipment they need to communicate with each other more effectively to protect us and for them to protect each other.

These are just but a few provisions of the bill. Others have referenced a more extensive list; each of them is very important.

Mr. Speaker, as we learned in the National Intelligence Estimate released last week, the threat of terrorist violence against the United States is growing. Al Qaeda is gaining strength, and Osama bin Laden continues to elude capture. There is not a moment to spare to take the steps necessary to keep the American people safe.

With this bill, we are honoring our solemn responsibility to protect and defend the American people. We take that as our oath of office, to protect the Constitution and, in the preamble, to provide for the common defense as a major charge to us. I urge my colleagues to support this legislation and the President to sign it.

I thank my colleagues again, Mr. THOMPSON and Mr. KING, for bringing this legislation to the floor.

Mr. KING of New York. Mr. Speaker, I thank the Speaker of the House for her bipartisan comments, and I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of the conference report to H.R. 1. I want to commend Homeland Security Chairman THOMPSON and Ranking Member KING and others for their good work on the bill. I support the conference report because I believe it will improve America's security.

I sought a seat on the Homeland Security Committee so I could continue the bipartisan efforts to further strengthen our Nation's homeland defenses. I was disappointed, extremely disappointed, that this bill bypassed our committee earlier this year and was brought to the floor without the opportunity for amendment and time for meaningful debate that these serious subjects deserve.

The conference report is, however, an improvement over the House bill. Although I don't have time to cover all of the provisions, I am pleased that Ranking Member KING's commonsense proposal to provide civil immunity to good Samaritans who report suspicious activity is now included in this measure.

I am heartened that the conference report includes two proposals that I made that were included in the rail and public transportation security bill the House passed earlier this year. The first will require the security coordinators who are developing and implementing rail security plans to be American citizens, which makes sense since U.S. citizenship is required for individuals seeking security clearances for access to classified information and materials.

The second will require the physical testing of rail tank cars used to carry toxic-inhalation hazardous materials to determine how best to secure them from attack, and more accurately, a modeling analysis to better understand the real-world consequences and most effective manner to mitigate the release of such dangerous materials.

Mr. Speaker, I believe this is a good bill that could have been better if we had followed regular order and given Members of the House and the Homeland Security Committee our rightful opportunity to fully review and revise its contents. I hope the majority gives us that opportunity in the future.

I think this bill is a step in the right direction. Therefore, I urge adoption by this body and enactment by the President.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the chairman of the House Intelligence Committee.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me time, and I

want to congratulate my good friend, Mr. THOMPSON and Ranking Member KING for a great job on this legislation.

Prior to coming to Congress, I served proudly in the United States Border Patrol for 26½ years, including 13 years as a sector chief in Texas. As the only Member of Congress with experience in defending our Nation's borders, I have firsthand knowledge about what is needed to keep America safe.

As a former law enforcement officer, I have long advocated for better communication between agencies in the field. I am pleased that H.R. 1 establishes a stand-alone interoperability grant program which will allow improved emergency communication capabilities among our Nation's first responders.

H.R. 1 also enhances State and local intelligence "fusion" centers, places a high priority on border intelligence, and modernizes the Visa Waiver Program, a critical element of our homeland security defense.

I was appointed to the Intelligence Committee before the tragic events of 9/11, and today I proudly serve as the committee chairman. H.R. 1 takes a step to close the gap and implement several 9/11 Commission recommendations, including the declassification of the intelligence top-line funding figure. It requires disclosure of the intelligence top-line for fiscal year years 2007 and 2008, but not until 30 days following the end of the respective years. Starting in 2009, the administration may decide not to disclose the amount if it provides a written justification to Congress.

As the 9/11 Commission found, such declassification of the overall number would not disclose exactly how we are investing in specific capabilities, would not reveal intelligence sources and methods, and would not advantage our enemies. Instead, it simply provides greater transparency to American taxpayers.

The conference report also extends the Public Interest Declassification Board and mandates that CIA declassify to the maximum extent possible the congressionally mandated 9/11 accountability report. These provisions further underscore the high priority supporters of H.R. 1 have placed on striking the proper balance between protecting our most sensitive intelligence secrets and ensuring greater accountability, openness and transparency.

Overall, the report reflects thoughtful legislative drafting, and I strongly urge all of my colleagues to support this conference report.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I intend to support the conference report; however, I want to share my serious concerns over a provision requiring all foreign ports to scan 100 percent of commercial cargo destined for the United States.

First, this policy was not recommended by the 9/11 Commission. Instead, it called for selecting the most practical and cost effective ways of improving security focusing on areas of greatest risk. I believe 100 percent scanning would undermine our current risk based approach as endorsed by the SAFE Port Act last fall, which I supported.

We are also putting the cart before the horse given the ongoing SAFE Port Act pilot project that tasked 100 percent scanning at three foreign ports. This is testing our technological ability to scan all cargo and the effectiveness of doing so. Implementing 100 percent scanning could significantly disrupt trade flows and lead to similar mandates or other actions against U.S. exports in our ports.

Finally, I wonder who will pay for this mandate inside and outside the United States. We must monitor developments leading to the implementation of 100 percent cargo scanning in 5 years and assess if legislative changes are needed.

I also will be watching to see how U.S. shippers, importers, retailers, and our trading partners are able to comply with the mandate.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to yield 2½ minutes to the next speaker, who perhaps can answer some of the questions raised by the previous speaker, the gentleman from New York (Mr. NADLER), who has been a champion of inspection and screening ever since he has been here. As the Speaker indicated, his district was hit on 9/11.

□ 1600

Mr. NADLER. Mr. Speaker, I rise in support of this conference report.

The bill contains several critical homeland security improvements that have been mentioned before. I won't mention them because I want to concentrate on the 100 percent scanning that the gentleman from California opposed.

I have pushed for the 100 percent scanning for almost 5 years. The language in this bill is modeled on the language that I introduced 2 years ago, along with Mr. OBERSTAR, in the SOS, Sail Only if Scanned Act, which was then supporter afterwards by Mr. MARKEY.

As we just heard, the Republicans have opposed this. The Republican leadership opposed it, and last year, it failed on practically party-line vote. This year, it passed on a practically party-line vote, and I thank Mr. THOMPSON and I thank our leadership for making sure that this was included in the conference report.

Twelve million containers a year come into our ports. Our risk-based inspection inspects 6 percent of them. That leaves 94 percent of the 12 million containers uninspected, any one of which could have a chemical or nuclear or radiological bomb inside it and we wouldn't know. We must inspect them,

or electronically scan them to be precise, before they're put on a ship bound for the United States in the foreign port if we're going to be safe. We can do it.

Yes, this wasn't included in the 9/11 Commission report. This bill improves upon the 9/11 Commission report, and I commend the Democratic leadership of this House and of the Senate for doing that.

We are told it's impractical. It is not impractical. The technologies exist for doing it. There are three or four different technologies that exist for doing it. When we were told last year that the tamper-proof seals didn't exist, General Electric had a van across the street from the Rayburn House Office Building showing three different models of the tamper-proof seals that sold for \$50, \$100, and \$150 at the same time.

This is eminently doable and it must be done. A few years ago, I debated Mr. ROGERS who said we will inspect the high-risk containers. I said, wonderful, they'll put the bomb in the low-risk container. The fact is there is no such thing as the low-risk container. The most reliable shipper with the best record, all it takes is one driver on his way from the factory to the port to have lunch and someone replaces a television set with a nuclear bomb or vice versa in the container.

This is a great step forward. It will greatly enhance the safety of this country. I urge that we adopt this, and I thank the leadership of this House for their steadfastness in supporting this very essential measure.

Mr. KING of New York. Mr. Speaker, I yield 3¼ minutes to the gentleman from New Mexico (Mr. PEARCE) who is the initial author of the John Doe immunity legislation.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Mississippi and gentleman from New York (Mr. KING) for their work for homeland security because it is truly a bipartisan issue. It was my privilege to serve on the committee with both of them in a previous Congress, and I miss that service during this current Congress.

I rise today to compliment the majority for yielding to the will, the will of the American people, because the provision that does protect John Does from lawsuits was curiously stripped out of the conference report previously. I'm pleased, though, that today's final conference report includes those provisions protecting John Does from lawsuits for reporting suspicious activity.

In March, Mr. KING and I teamed up as the House passed the sense of my Protecting Americans Fighting Terrorism Act as the motion to recommit to the Rail and Transportation Security Act, H.R. 1401, by a 304-121 margin. Again, that was 304 "yeses" to 121 "noes."

Today, we finally adopt and send this provision, along with this bill, to the President, something that is not only a right step but a critical step.

This provision will make America safer, will make Americans more aware

of terrorist activity and will show the terrorists that we are standing strong in the war on terror.

Ever since 9/11, law enforcement agencies have been telling the American people that they should immediately report suspicious activity that they see. Citizens are on the front line of our domestic war on terror. Our Founding Fathers declared eternal vigilance be the price of liberty.

It was Brian Morgenstern, an alert American, who stopped the Fort Dix terrorists by speaking up and reporting what he saw on videotapes.

It was an alert ambulance crew in June who noticed the Haymarket car bomb in London, England. However, terrorists and their supervisors are trying to use our freedoms against us.

On 9/11, the hijackers knew how the crew on the plane would respond and used that knowledge against them to carry out their attacks. Last November, 6 imams who behaved in manners and methods similar to those 9/11 terrorists were reported to authorities. Now, those six imams are using our courts to terrorize the Americans who reported their behavior.

The John Doe provision in this act will simply help stop this terrible shakedown of alert and responsible Americans. If we are serious about fighting terrorism, if we are serious about protecting Americans and asking them to help protect each other, then we need to pass the provision that is in this bill today.

I know most Americans were shocked to know that this simple, common-sense issue became an issue of partisan sniping. We should have never had to fight over this provision.

Today, we're going to make a choice. The Israelis said it best, There's no room in the world for political correctness. Today, we're going to make that choice, choosing political correctness or securing the American people. We will tell the trial lawyers you cannot terrorize Americans in our courts.

Vote "yes" on this conference report. I thank the gentlemen both for their work.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to a member of the Homeland Security Committee, the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this conference report, the Implementation of the Recommendations of the Bipartisan 9/11 Commission, and commend the chairman, Mr. THOMPSON, and the ranking member, Mr. KING, for their hard work. We would not be here today had it not been for their diligence and hard work and the leadership of our committee. And certainly, as has already been said today, Congress cannot wait for another attack like 9/11 to take the steps to protect our Nation from terrorists, and I thank them for their efforts.

This legislation improves homeland security. It empowers our communities to respond to threats, and it enhances interoperable communications and begins to restore America's moral leadership in the world.

Homeland security begins with hometown security, and local funding provided by this bill makes our entire Nation more secure.

Specifically, the bill provides States with more than \$3 billion over 5 years to provide all hazardous preparation and response assistance.

Mr. Speaker, as a former State school chief in North Carolina, and a proud member of the Homeland Security Committee, I am particularly proud that this bill specifically strengthens school security. The legislation emphasizes the need for resources to protect our school children and plan for emergency response for our schools. And it contains a provision that I offered directing the Department of Homeland Security to study this related to school buses and school transportation.

Just last week, the National Intelligence Estimate gave us a stark warning that we cannot afford to be complacent in the face of rising Islamic extremism and threat of terrorist violence.

Mr. Speaker, the American people want bipartisan action and I commend this report.

Mr. Speaker, I rise in strong support of this Conference Report to H.R. 1, and I urge all my colleagues to join me in voting to pass this vitally important legislation to implement the recommendations of the bipartisan 9/11 Commission.

In the immediate aftermath of the tragedy of 9/11, our Federal, State, and local governments worked to improve preparedness and our security. The work that we have done since then has made our country safer, but there is much more yet to do.

Keeping all Americans safe must be the top priority of the government. Congress cannot wait for another attack to take steps to protect our nation from terrorism. The legislation that I hope my colleagues will join me in supporting today improves homeland security, empowers our communities to prepare for and respond to all threats, and begins to restore America's moral leadership throughout the world. It reflects bipartisan work on the part of this Congress and implements many of the recommendations of the bipartisan 9/11 Commission. These provisions will make our Nation stronger and safer.

The bill fixes grant programs for first responders, and takes all-hazards risk-based approach to our homeland security spending. It will provide critical funding and equipment to our communities to implement state homeland security plans, protect mass transportation, and enable first responders to communicate with each other during a terrorist attack or other emergencies. It improves intelligence and information sharing among agencies, and ensures a unified response to all threats. Homeland security begins with hometown security, and these local resources make our entire nation more secure. Specifically, the bill provides states more than \$3 billion over 5 years to provide all hazards preparation and response assistance.

Others have spoken about the provisions that provide 100 percent scanning of cargo, prevent the proliferation of WMD, and advance our democratic values—these are vital and important provisions we can all be proud of. As the former State schools superintendent in North Carolina, and North Carolina's only member of the Homeland Security Committee, I am particularly proud of the fact that the legislation emphasizes the need for resources to protect our school children and plan for emergency response at our schools. It also contains my provision directing the Department of Homeland Security to study risks related to school buses and other school transportation. These details are evidence of the comprehensive nature of this bill, which preserves and strengthens our national response to all threats to homeland security.

Just last week, the new National Intelligence Estimate gave us a stark warning that we can not afford to be complacent in the face of rising Islamic extremism and the threat of terrorist violence. This legislation continues Congress' commitment to keeping America safe.

Mr. Speaker, the American people want bipartisan action to provide real solutions for a safe and secure country, and I urge my colleagues to join me in voting to approve this conference report.

Mr. KING of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. MCCAUL) a former member of the Joint Terrorism Task Force.

Mr. MCCAUL of Texas. Mr. Speaker, I want to commend the chairman and ranking member for their bipartisan spirit on this bill. It was an honor and I was proud to be a conferee to this report.

This is not a perfect bill. We raised concerns at the conference regarding the 100 percent screening for cargo containers, and I don't believe that's a realistic assessment. However, there were enough exceptions to give the Secretary flexibility that I felt comfortable.

Also, the Visa Waiver Program which the terrorists have exploited. However, under this bill, those provisions will be strengthened.

But nearly 6 years after the attacks of September 11, I believe it is now time to implement the 9/11 Commission's recommendations, but I want to focus my remarks at this moment on a unique opportunity we had with this bill and with the conference to address a gaping loophole in our national security, and that is regarding the FISA statute and FISA reform bill.

When I worked in the Justice Department, I worked on national security wiretaps, or FISAs as they were referred to. I believe that intelligence is our first line of defense in this war on terror, and the 9/11 Commission recognized this when they said there were systematic problems with covering communications of potential terrorists.

Just recently, Director McConnell wrote a letter to Chairman REYES of the Intelligence Committee, and I think it's important to know what he said. He said: "Our Nation faces an intelligence 'gap,' a situation in which

our intelligence community everyday is 'missing a significant portion of what we should be getting' in order to protect the American people.

"Under FISA today, 'we are significantly burdened in capturing overseas communications of foreign terrorists planning to conduct attacks inside the United States.'"

As the head of the Nation's intelligence community, he says that, "I am obligated to provide warning of threats of terrorist activity and I have deep concern of the current threat situation."

Indeed, the National Intelligence Estimate, recently published, concluded that our Nation faces a determined al Qaeda.

"If we are to stay a step ahead of the terrorists and protect the American people," he says, "I firmly believe that we need to be able to use our capabilities to collect foreign intelligence about foreign targets overseas without the requirements imposed by an out-of-date FISA statute."

"Simply put," he says, "in a significant number of cases," this is the Director of National Intelligence, "we are in the unfortunate position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas."

He says, "It is essential that the administration and Congress work together and without delay to close the current intelligence gap by amending the FISA statute."

I will say that every day we waste by not amending the statute and closing this gaping loophole in our national intelligence law, every day we take a risk of another attack on the United States, and I call upon my colleagues on the other side of the aisle to work with us to get this done before we go home for the August recess.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'm proud to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), who's also a member of the Homeland Security Committee.

Mrs. LOWEY. Mr. Speaker, I thank the distinguished chairman for your important leadership on this committee and to the ranking member. It's been a pleasure for me to work cooperatively in a bipartisan way.

I rise in strong support of the conference report which will make us safer by increasing the amount of risk-based homeland security grants, screening 100 percent of maritime and aviation cargo and improving intelligence collection and information-sharing capabilities.

I would also like to highlight the title on interoperability grants which completes the three-pronged interoperability proposal I put forward following September 11.

The dedicated grant program will significantly enhance the ability of public safety agencies to plan, build, and maintain communications networks as they will no longer have to make impossible decisions such as whether to

purchase personal protective equipment or radios. It will ensure that first responders will have more advance resources than those used by Paul Revere.

This bill is a great victory for first responders.

I rise in strong support of the conference report, which implements many of the 9/11 Commission's recommendations, actions that should have been taken years ago.

As a member of the Homeland Security Committee and the conference committee that resolved differences with the Senate, I know that many of us put a great deal of work into creating this legislation. I would like to thank Chairman THOMPSON and Ranking Member KING for their tireless work. I would also like to thank our leadership for making this the House's top priority.

I would like to briefly outline a few of the many reasons why this bill makes our country safer. First, it mandates 100 percent scanning of all maritime cargo before it enters the U.S. The current system of scanning only some cargo when it has already entered the U.S. is inadequate. Al Qaeda and other terrorist organizations must be prevented from using a maritime cargo container to conceal a nuclear weapon.

Many have stringently opposed this provision and have stated that they will not support the conference report because of the perceived impact on business. I would respond to this argument by stating the job of Congress is to protect the American people, not stand in the way of commonsense security measures to make it easier for the business community to ship containers. The cost to scan each container is minimal compared to the cost of value of goods shipped in each container. And the cost is nothing compared to the consequence of what would happen if terrorists were able to detonate a nuclear weapon in the U.S.

Second, the bill greatly enhances aviation security efforts. Today, a great deal of cargo is placed on commercial aircraft without being screened. The bill closes this security loophole. It also authorizes \$450 million per year for in-line explosive detection systems and provides a process for passengers who have been misidentified and placed on the "no-fly" or "selectee" lists to clear their names.

Third, it augments intelligence collection and information sharing. The bill properly organizes intelligence gathering agencies within the Department of Homeland Security, DHS, to enable them to better communicate potential threats with local first responders. One of the best ways to prevent an attack is to increase our intelligence gathering capabilities. This bill will help to provide assistance to State and local fusion centers and counter-terrorism officials. The excellent work of the New York Police Department's counter-terrorism division to detect and prevent potential terrorist plots exemplifies what can be accomplished by local law enforcement agencies.

Fourth, the bill advances our efforts to identify and protect critical infrastructure, one of the fundamental purposes of the Department of Homeland Security. The conference report includes provisions I proposed to review and update the National Asset Database and the subset National At-Risk Database. It also requires the Department to conduct annual critical infrastructure vulnerability assessments.

These are only four of the many examples of how the bill makes our country more secure. I would like to detail two particular provisions which have been two of my highest priorities since the September 11 attacks—interoperability grants and the first responder funding formula for homeland security grants.

Title III of the conference report completes the three-pronged interoperability proposal I first put forward following September 11. The Department of Homeland Security now has an office that coordinates first responder emergency communications efforts. It is in the process of implementing a national communications strategy, and this bill creates an interoperability grant program.

Communications problems have plagued first responders in every major emergency in the last 15 years. We witnessed this 12 years ago in Oklahoma City. It resurfaced at Columbine in 1999. It slowed our response to Hurricane Katrina in 2005. On September 11, it proved to be a deadly problem.

Of the 58 firefighters who escaped the North Tower of the World Trade Center and gave oral histories to the Fire Department of New York, only three heard radio warnings that the North Tower was in danger of collapse. We will never know how many of the 343 firefighters who died that day while heroically rescuing thousands of workers were in the North Tower. Nor will we know how many of these lives would have been spared if they had had effective, interoperable communications equipment to receive the evacuation order.

The provisions in the emergency communications grant title are long overdue. More than 10 years ago, the Public Safety Wireless Advisory Committee stated that, "unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost effective manner."

The 9/11 Commission included interoperability as one of its recommendations and the Public Discourse Project found that the Federal Government had made minimal progress on this priority. This legislation finally responds to the widely acknowledged vulnerabilities posed by poor communications capabilities.

A dedicated grant program, which I first proposed following September 11, will significantly enhance the ability of public safety agencies to plan, build, and maintain communications networks as they will no longer have to make impossible decisions such as whether to purchase personal protective equipment or radios.

This bill will not solve all of our interoperability problems. However, it will help to ensure that in the next emergency, our first responders are not left to the same strategies used by Paul Revere in 1775, which was sadly the case during Katrina just 2 years ago. This is a great victory for first responders.

A second item which I have been fighting for years to improve is the first responder funding formula. Title I of the conference report increases the percentage of DHS grants that are allocated on the basis of risk. For far too long the Department has awarded 40 percent of formula grants to State governments without any consideration of risk. The conference report will eventually lower this amount to 18.52 percent in 5 years.

On four occasions, the House passed legislation to increase the amount of risk-based

funding, including an amendment that I added to the USA PATRIOT Act Reauthorization bill. The compromise we are considering today, while far from perfect, is the product of several years of negotiations between the two chambers. Even with the conference report, I will continue my efforts to improve the manner in which grants are awarded.

As the old saying goes, an ounce of prevention is worth a pound of cure. After September 11, we experienced the cost of not being adequately prepared—the loss of almost 3,000 lives and tremendous economic impact. We must distribute homeland security funding on the basis of risk now so that areas most at risk have the resources to prevent and effectively respond to any potential attacks.

Attacks against New York, Madrid, London, and Mumbai illustrate that terrorists target the areas in which they can inflict the most damage. The Federal Government's efforts to prepare and respond to terrorism should reflect this reality. In addition, Hurricane Katrina highlighted the need to allocate resources to the areas most vulnerable to any type of emergency situation. We cannot afford to use homeland security funding as a type of revenue sharing.

This was one of the most prevalent recommendations from the 9/11 Commission. In 2005, the Commission gave the Federal Government an "F" for failing to allocate funding where it is needed. Had the provisions in the conference report been implemented prior to the date the report card was issued, this grade would have been better.

Regardless of the amount of the percentage of risk-based funds, the Department must do a better job calculating risk. In the Fiscal Year 2007 Homeland Security Grant Program allocation process, the Department made many decisions that resulted in awarding what were supposed to be risk-based funds to areas that do not face a high threat of being attacked. I plan on introducing legislation that would improve the manner in which DHS calculates risk and awards funds, strengthening the first responder funding formula provisions in this conference report.

In addition, I am disappointed that the conference report dropped the provisions that would have provided collective bargaining and other worker protections for Transportation Security Officers (TSOs). These provisions were included in both the House and Senate versions of the bill but were dropped from the conference report due to the President's misguided veto threat.

Transportation Security Officers are on the front lines protecting our airports and airplanes. They should be given the basic worker protections enjoyed by other DHS personnel. They perform a crucial and often grueling job that requires training, experience, and patience. We need workers who have mastered the job and will make a career of helping to protect the flying public and our skies.

That is why I am introducing stand-alone legislation today to provide the 42,000 screeners with basic worker protections. This would replace the increasing turnover and dissatisfaction with professionalism and a career path our screeners will pursue long-term. Highly trained and seasoned TSOs are part of our smart, comprehensive, and cost-effective efforts to prevent terrorist attacks and protect America's transportation system.

In its July 2004 report, the 9/11 Commission concluded that we are safer than we were

prior to September 11, 2001, but we are not safe. The same is true today. While we will never be able to eliminate all threats or vulnerabilities, the implementation of this conference report is a substantial step forward.

Mr. KING of New York. Mr. Speaker, could I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from New York has 6½ minutes remaining, and the gentleman from Mississippi has 11½ minutes remaining.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a member of the committee and an outstanding spokesman on this issue.

Mr. SHAYS. Mr. Speaker, first, I'd like to thank the 9/11 families for their work on this legislation, their faith in their country, their love for their country. During the debate on the rule, I had to walk out, it was getting so partisan. So I want to thank STENY HOYER for bringing us back to a sound basis for debate and appreciation that this is a bipartisan problem with a bipartisan solution.

Next, I want to thank former chairman PETER KING for his outstanding work as chairman, never making this a partisan issue, and to Chairman BENNIE THOMPSON for their work on a bipartisan basis on this legislation.

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As co-Chair of the 9/11 Caucus with CAROLYN MALONEY, we fought hard in the previous Congress to pass the Ensuring Implementation of the 9/11 Commission Report Act, which this legislation is based on. I appreciate the fact that this majority has finally brought this legislation to completion and they should be congratulated.

I particularly want to thank CAROLYN MALONEY for her work helping to create a Department of Homeland Security, her work to help create the 9/11 Commission, her work to help create a Director of Intelligence, and her work now on this legislation, which, frankly, she is not getting enough credit for. She worked on this for a long period of time.

There are many provisions in this bill that we should be proud of: the risk-based grants; the John Doe provisions; the interoperability grants; the intelligence and information sharing; the rail, bus and mass transit security grants; the 100 percent inspection of air cargo, which ED MARKEY championed, and I was his Republican co-sponsor in this effort; and the 100 percent inspection of the maritime cargo. It is important that we do it. We will have to monitor that.

I particularly want to point out the Privacy and Civil Liberties Oversight Board work improvements that CAROLYN MALONEY and I particularly had legislation on. This bill removes the Privacy and Civil Liberties Board from the Executive Office of the President and establishes an independent agency. It grants subpoena power to the board for obtaining information. This was an important provision.

The critical infrastructure provision and the private sector preparedness, the whistle-blower protections. Congratulations, Mr. THOMPSON and Mr. KING on the legislation you have worked on.

Let me conclude by saying this: There are clearly more than one inconvenient truth facing us. The one that Al Gore talks about in global warming is a real concern; it is inconvenient.

There is another inconvenient truth; it's what the 9/11 Commission talked about, and that's Islamist terrorism. This bill is a wake-up to that concern.

Mr. Speaker, as Co-Chairman of the 9/11 Commission Caucus with my colleague, Representative CAROLYN MALONEY, I am grateful the conference report on H.R. 1, legislation to implement most of the remaining 9/11 Commission Recommendations, is on the House floor today.

This legislation will take many important—and overdue—steps toward protecting our homeland, including requiring the screening of cargo on passenger planes; improving cargo screening at our ports; strengthening the Privacy and Civil Liberties Oversight Board; distributing homeland security funds based on risk; and improving interoperability for first responders.

Over a year ago, the 9/11 Public Discourse Project graded the federal government on implementation of the 9/11 Commission recommendations, issuing a failing, near-failing or average grade for action on 27 of their 41 recommendations.

As a result, Representative MALONEY and I introduced the Ensuring Implementation of the 9/11 Commission Report Act, which addressed each of the recommendations and held the appropriate agency accountable for reporting to Congress on its actions.

Having worked to create the 9/11 Commission; co-chaired hearings in my National Security Subcommittee on its recommendations; pushed for enactment of the Intelligence Reform and Terrorism Prevention Act in 2004; and co-authored legislation to fully implement the 9/11 Commission's recommendations, I was grateful H.R. 1 passed in early January.

This legislation takes additional steps to protect the American public, including provisions to provide civil liability protection to citizens who, in good faith, report suspicious activity that might indicate a terror attack upon our Nation's travel system and to establish an interoperable emergency communications grant program within DHS.

While there is still work to do, such as fortifying our southern border and requiring passports at our northern border, the bottom line is this legislation is an essential step forward.

It is also a testament to the work of Fourth District residents Mary and Frank Fetchet—parents of Brad; and Beverly Eckert—wife of Sean Rooney.

They along with several other family members have worked for more than 5 years to establish the commission, ensure it had the tools it needed to do its job, and pushed for enactment of these recommendations into law. I have been humbled to work with them.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), a member of the committee.

Mr. AL GREEN of Texas. Mr. Speaker, H.R. 1, Implementing the 9/11 Commission Recommendations Act, took

an act of Congress, a Congress willing to act, and leadership that knew how to act. For this I thank Senator LIEBERMAN, the leadership on the Senate side, Ranking Member KING, the 9/11 families who were very much involved in this process, and I especially thank the chairman of the committee, Chairman BENNIE THOMPSON. He has been thoughtful. He has been brilliant. He has been the glue that has maintained the stability and kept this committee moving forward. Without his leadership, the committee would not have been able to achieve the bipartisanship that has made the difference, such as this legislation that's being implemented.

This legislation, in addition to the risk-based solutions, which are important, don't throw money at a problem, throw money at the solution that deals specifically with the problem, and the risk is where we are going to get the best bang for our buck.

It also deals 100 percent with the cargo screening, and that's important, because it's being done abroad not here in our country, and 99½ won't do.

Finally, I would like to mention that it deals with national transit security centers. I am honored to say that one will be coming to Houston, Texas, and to Texas Southern University. I am honored to have worked with the chairman to have Texas Southern University become involved in this process of finding solutions to security problems in our transportation system.

I thank you for helping us to develop this most extensive and comprehensive piece of legislation that is going to help secure this entire country. I am honored to say that Texas Southern University will be a part of that process.

God bless you.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. NORTON), a member of the Homeland Security Committee.

Ms. NORTON. I thank the gentleman for yielding, but above all, I thank him for a bill of historic dimensions.

Mr. Speaker, if this bill did no more than H.R. 1, enact a 9/11 Commission report, it would be that, and it does a great deal more. It's what we have been trying to do ever since you and I have been on this commission.

Let me point out a couple of things. One of the most criticized parts of homeland security has been what is called the revenue sharing or pork barrel spending we did in just distributing this money all over the country. Your task was to somehow make sure everybody got enough money, while pointing the money to where al Qaeda is pointing the threat. That is exactly what you have done with the base Federal funding for emergency preparedness now going, finally, on the basis of risk and vulnerabilities.

Of course, that means New York City and Washington D.C. are getting more attention than before. But those are

not the only jurisdictions. Would anyone not want those two jurisdictions to get most of the attention where al Qaeda is giving most of the attention.

I share with Chairman OBERSTAR the concern that what we put in our bill for the distribution of the transportation security funds was not agreed to by the Senate. So we have another bureaucracy distributing the funds, as we would not have preferred.

But it must be said that you and I sponsored the bill for rail security. Public transportation security could get nowhere. Look what you have in this bill. Where the people are, we have got \$4 billion for the first time. We got it for rail, we have got it for public transportation, we got it for buses. Finally, there is a collective sigh of relief.

There is \$20 million, I must say, for Union Station. I just want to point that out, because Union Station is 2 seconds away from the Senate of the United States. It's the hub for Amtrak, and it's typical of where your bill looks for where the vulnerability is, where the holes are and shores them up. Your bill will be remembered by history.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding. I want to thank the gentleman from Mississippi, the chairman of the Homeland Security Committee for his outstanding leadership on this bill.

Mr. Speaker, the 9/11 Commission provided an eye-opening assessment of how terrorists were able to exploit security vulnerabilities on September 11. It made 41 key recommendations to address these shortcomings. We promised the American people that the Commission's efforts would not be in vain, and today we made good on that promise.

Our threat environment presents unique challenges. While good intelligence will always be the pointy tip of the spear, it will always be critical to our anti-terror efforts. We know that it's not foolproof.

Among the many things that this conference report accomplishes, it fulfills a key commission recommendation by creating a stand-alone program for communications interoperability. It also requires 100 percent advance screening of maritime cargo, which will ensure a weapon of mass destruction never even has a chance of reaching American shores by being smuggled in a cargo container.

I am proud to have served as a conferee on this bill, and I believe we have an excellent final product before us today.

The best way to honor those who died on September 11 is to learn from the lessons of that tragic day and take action. This conference report represents a major step towards that goal of

which the American people can be proud.

I thank the distinguished chairman of the committee for his great work on this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I want to commend the chairman for his leadership on this issue. I am proud to be a conferee, and also Mr. KING of New York for his good work.

Mr. Speaker, I must say, I am very proud to be a member of this committee. Over the last 4 or 5 years, whether it has been on the Republican rule or under Democratic rule, this committee has had incredible oversight. I commend the two chairmen for that.

Congressman DANIEL E. LUNGREN was on the floor earlier. He was very vigorous in oversight. This is another part of the accomplishment here is it's strengthening congressional oversight, the speaker in the chair today, Mr. MURTHA, and Speaker PELOSI created a panel on the Appropriations Committee with HPSCI. This is providing additional oversight. I think it's one of the most important things we can do. But getting this bill finally passed is a great accomplishment. You should be very proud of it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who is a member of the committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. My appreciation to the leadership of our chairman, Chairman THOMPSON, who has taken the challenge of the 9/11 families, and the 9/11 Commission report more than to his heart. That is why we are here today.

I want to thank the ranking member, Mr. KING, for working with us on many of these challenges and always raising the voice of bipartisanship as it relates to 9/11.

Mr. Speaker, I am very proud, as the subcommittee Chair for Transportation Security in Critical Infrastructure, to have had the opportunity to see some of the elements that are under our subcommittee jurisdiction take a strong stand in the 9/11 conference.

I did this earlier today, but I know that sometimes we need to be reminded of the Pentagon and reminded of this tragedy so that we understand today is an enormously important step towards securing the homeland security.

One of those aspects of securing the homeland security clearly has to do with providing transportation security. I am very proud that in the course of providing transportation security, we now have jurisdiction to issue transportation security grants so that buses and trains, so that the Amtrak system, mass transit, so that highways and byways will have the opportunity for

these jurisdictions to seek out grants specifically to secure areas that might be subject to the acts of terrorists.

Might I also say that we have now interoperability, that we have the ability that so many of our colleagues have worked on to talk to each other. We know the front lines of fighting terrorism has to be that our law enforcement is able to communicate.

We are very glad that this bill emphasizes intelligence sharing, which was one of the downfalls of the tragedy of 9/11. I am more than grateful to know that our families, our families sanctioned this bill, who have been so strong, and I salute them.

Let me also say that in placing language in the bill to provide transportation security grants and training, I am very glad that Texas Southern University will have a center of excellence that I announce and enjoy with my colleague from Texas, and also will be able to train transportation officials in security.

Mr. Speaker, I rise today in strong support of the Conference report to accompany the bill (H.R. 1), to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). As a Member of the Conference Committee that worked to reconcile the House and Senate versions of this legislation and to produce this report, I believe it represents a vital step toward securing the Nation. I wish to thank the Chairman of the Conference Committee, Senator LIEBERMAN, as well as the distinguished chair of the House Homeland Security Committee, Congressman BENNIE THOMPSON, for their visionary leadership in shepherding this important legislation through both houses of Congress. Unlike the previous Republican leadership, this Democratic Congress has wholeheartedly embraced the recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens of this country.

Today Mr. Speaker, we are here to consider a Conference report that will provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). This Conference report closes many critical gaps identified by the 9/11 commission. In its final report, the 9/11 commission concluded that the United States Government had been unprepared for the 2001 terrorist attacks, and made numerous recommendations for how to safeguard the American people. The legislation passed by the House on January 9 and the Senate in mid-March will implement many of these important recommendations.

The 9/11 commission report noted the need for additional tools for first responders and emergency personnel. The lack of adequate equipment likely contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with fire fighters prior to the collapse of the Twin Towers. Deficiencies in communication technologies also hindered the effective evacuation and rescue efforts after Hurricane Katrina. I am pleased to say that this legislation authorizes \$1.6 billion over 5 years for a grant program to improve emergency communication capabilities for first responders. This legislation also requires States to submit statewide interoperability plans.

Additionally, this legislation calls for the allocation of Homeland Security Grants based on risk. High-risk areas will receive the crucial resources they need to protect their population and critical infrastructure. My home city of Houston, with its 5.3 million residents as well as the Port of Houston, a thriving petrochemical industry, the largest medical center in the world, and an extensive range of commercial assets, is just such an area. The allocation process put in place by this legislation ensures that those areas that face the highest risk of an attack receive adequate funding.

There are numerous other important provisions detailed in this Report. As Chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I am extremely pleased with the provisions that will improve the security of our systems of transport. The 9/11 Commissioners gave a "D" grade to the Administration and Congress for their efforts on enhancing air cargo screening. To correct this deficiency, this legislation requires 100 percent screening of all air cargo carried on passenger planes. It also strengthens the explosives detection at passenger screening checkpoints. Additionally, this legislation requires the screening of 100 percent of U.S.-bound seaborne cargo containers loaded in foreign ports.

This legislation authorizes \$4 billion over four years for rail, transit, and bus security grant programs, which will be administered under the Department of Homeland Security. In the Conference Committee, I stood by my conviction that DHS is in the best position to administer these grants, and I am pleased that the Department will be responsible for the distribution of these important transportation security grants. Specifically, this legislation provides training for rail and mass transit workers, and it requires security plans for high risk transit and rail companies.

This legislation enhances homeland security while protecting constitutionally enshrined civil liberties. It establishes the Privacy and Civil Liberties Oversight board as an independent agency, extends protection for whistle-blowers, and provides protection from lawsuits to individuals who report suspicious activities. We can protect our Nation without infringing upon the fundamental rights of Americans; we can provide security for our country without eliminating those freedoms that make the United States extraordinary. This legislation protects our rights as it protects our cities, borders, infrastructure, and population.

As I stand on the House floor today, 6 years since the horrific attacks of September 11, 2001, my heart still grieves for those who perished that day. No one could have predicted that attack; when the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, DC, and in the grassy fields of Shanksville, Pennsylvania. We can, however, work to identify and correct the shortcomings in our national security structures, and to take the necessary steps to prevent another such attack on our Nation and its people.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. Mr. Speaker, we can best honor the memory of those who perished on 9/11 by working to ensure that such an attack never happens again.

I strongly urge the adoption of this conference report.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, Brooklyn, who lost more residents than any other Member in Congress on September 11.

Mr. FOSSELLA. I thank the gentleman for yielding.

Mr. Speaker, I will be as brief as possible. If there is any issue that we all could come together on, despite the many disagreements that exist, is the notion that the American people should be as best protected as possible. I hope that this bill does just that.

At the outset, let me thank the chairman, and, in particular, my good friend, Peter King, for their tireless work in trying to advance this bill. Importantly, I thank the common sense of Peter King and his tenacity and persistence to ensure things like the John Doe provision remain part of this conference report, so I tip my hat.

The first part, a beneficial part of this program, is finally the UASI program has been authorized into law. At \$850 million, I believe that this true threat-based funding formula will bring assistance to the first responders in high-threat areas such as New York City that they deserve.

Second, the bill resizes the Homeland Security Advisory System and makes improvements to information sharing between and among local, State and Federal officials, a goal I worked on with several amendments to the intelligence authorization bill for the last 2 years.

However, let me say I continue to be disappointed of the fact that the 9/11 Commission suggestions are not fully implemented here. Reducing the State minimums from .75 percent to .375 percent and then .35 percent is a step in the right direction but falls short of truly realizing the report's recommendation.

Earlier today we passed the farm bill. Farmers get the money. In homeland security, the cities that deserve and have the highest threat and the most vulnerabilities and the consequences should get the money. I think that's common sense. As a reminder, on page 396 of the 9/11 Commission report, states that the "Homeland Security security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . Federal Homeland Security assistance should not remain a program for general revenue sharing . . . Congress should not use this money as a pork barrel."

□ 1630

Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

And let me thank, again, Chairman THOMPSON for his bipartisan effort, thank Senator LIEBERMAN, Senator COLLINS. Let me thank the Republican staff members, Matt McCabe, Kerry Kinirons, Sterling Marchand, Heather Hogg, Mike Power. A special thanks to Mark Klaassen who unfortunately is

going to be leaving the committee, but he has been a tremendous asset. Chad Scarborough, Joe Vealencis, Deron McElroy, Adam Paulson and Lauren Wenger of my staff.

Mr. Speaker, this is a good conference report. I urge its adoption. And, again, I thank the chairman for his cooperation and assistance.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is quite clear that there is substantial support for the bill as well as substantial support to get on the vote for the bill.

I would like to thank my colleague, Ranking Member KING, for his support as well as his staff. They have been very good. I would like to recognize the Democratic staff: Jessica Flanigan, Rosaline Cohen, Michael Stroud, everybody. I have something to insert in the RECORD to recognize their value.

Mr. Speaker, it is quite clear that this is a good bill. It is in the best interest of the country. It is completion of the 9/11 vulnerability report. I urge its adoption.

Mr. Speaker, while I commend the work on H.R. 1, I rise today to express my disappointment that the provision to afford our Transportation Security Officers, TSOs, the collective bargaining rights and whistleblower protections they deserve is excluded from the Conference Report. Mr. Speaker, our TSOs are not second class citizens and should not be treated as such.

In 2001, when the Transportation Safety Administration, TSA, was created, Congress vested power to set TSO compensation, leave, and other basic employment rights with the Secretary of Transportation. When TSA was moved to the Department of Homeland Security, this authority remained. While this authority was helpful in getting TSA up and running, the TSOs now need to be treated like all other TSA employees—fairly and equitably. This provision would have restored the labor rights of approximately 43,000 TSOs and provided them with veterans' preference, anti-discrimination protections, retirement, whistleblowing, and collective bargaining rights.

Restoring basic employment rights is critical to recruiting and retaining TSOs. We do not need to look far to see what low morale can do to the health, recruitment, and retention of the Department of Homeland Security workforce. According to a GAO report released this month, TSOs account for approximately a third of the total workforce and their attrition rates are higher than the normal for the Federal Government. It is unfortunate that we are failing to provide the most basic labor protections to our front line workers who perform an important job and work to keep us all safe; rights that are afforded to thousands of workers in the Federal Government.

I commit to my colleagues today that as Chairman of the Committee on Homeland Security I will continue work to ensure that our TSOs are afforded the rights and protections they deserve.

Additionally, Mr. Speaker, let the record reflect that in addition to the staff that I recognized earlier, the following individuals did a service to our Nation in helping the Conference develop legislation to make America more secure.

Michael Stroud
Denise Krepp
Craig Sharman
Tom Finan
Véronique Pluviose-Fenton
Alison Rosso
Jacob Olcott
Chris Beck
Matt Washington
Jeff Greene
Erin Murphy
Michael Beland
Erin Daste
Tamla Scott
Tyrik McKeiver
Stephan Viña
Diane Bean
Brian Turbyfill
Angela Rye

Thank you, Mr. Speaker, for affording me the opportunity to recognize the good work of Majority staff of the Committee on Homeland Security.

Mr. ISSA. Mr. Speaker, today I rise with great concern about what the Conference Report to accompany H.R. 1 does, but I am more troubled by what this report has left undone.

The purported goal of H.R. 1/S. 4 was to implement all of the recommendations of the 9/11 Commission Report. This conference report does not do that. Specifically, this report remains silent on one of the 9/11 Commission's vital recommendations concerning reform of congressional oversight of intelligence.

As you know, Mr. Speaker, the 9/11 Commission Report recommended that Congress should either form a joint House and Senate Committee on Intelligence or that the House and Senate should consolidate their authorizing and appropriating functions for the intelligence community into one committee in each chamber. To this end, I drafted language to offer during the conference on this bill. But, from introduction to floor consideration, under a closed rule, H.R. 1 did not follow regular order. Likewise, the conference was closed to amendment and debate on all but a few provisions, congressional oversight of intelligence not being one of them.

My motion would have included language in the conference report to establish a commission to study the congressional oversight of intelligence. The proposed commission would have examined the impact of the current system of congressional oversight on the intelligence community and specifically addressed at what cost to our national security is the decision not to heed the 9/11 Commission's recommendations.

Unfortunately, I was blocked by the majority from offering my amendment. In fact, the majority refused to hear any proposals on intelligence oversight during the conference. The omission of any discussions regarding the 9/11 Commission's recommendations on this matter is troubling and has led to an incomplete piece of legislation that will leave America less secure. As such, this report, and our work as a Congress, is left unfinished.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1, legislation to implement the recommendations of the 9/11 Commission.

In July of 2004, the 9/11 Commission concluded that the United States Government was unprepared for the devastating terrorist attacks of 2001. In the weeks and months following the release of the 9/11 Commission's report, the U.S. Congress enacted important legisla-

tion to overhaul the intelligence community and improve our Government's ability to detect and respond to attacks. The legislation before us today will further expand our nation's preparedness by providing our first responders and emergency personnel with additional tools to enhance security, such as interoperable communication and cargo screening technology.

In fact, I am particularly pleased that H.R. 1 includes my amendment requiring the Department of Homeland Security to assess key foreign rail security practices that are not currently used in the US. While the concept of "rail security" is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks and I have long believed in the importance of leveraging this experience to improve our own system. My amendment, which was approved overwhelmingly by the House and the Senate, will require our government to develop a plan for utilizing techniques such as covert testing of security systems and random screening of rail passengers and baggage. It will also require our government to model U.S. train stations and subway systems after methods used in London to prevent terrorist attacks.

Additionally, while I support the overall purpose of this bill, I am very concerned that Congress failed to use this opportunity to implement several of the 9/11 Commission's other most important recommendations. Specifically, I believe it is inexcusable that H.R. 1 does not include the 9/11 Commission's critical recommendation to reform congressional oversight of the intelligence community. Currently, intelligence funding is concealed in the classified section of the Pentagon's budget, and thus is subject to very little accountability. As a former Member of the House Intelligence Committee, I believe strongly in this 9/11 Commission recommendation and I have introduced H.R. 334 to create an empowered and independent intelligence appropriations subcommittee to oversee intelligence community funding. Unfortunately, the House's Democratic leadership denied my attempt to amend H.R. 1 to include this important provision.

Mr. Speaker, I am very concerned that we have missed a key opportunity to enact all of the 9/11 Report's recommendations. However, the bill before us makes progress to expand security and I commend the conference committee for taking much needed steps to improve rail security in the US. I encourage my colleagues to support this legislation and I call on the leadership in Congress to act immediately to address these remaining national security issues.

Ms. ESHOO. Mr. Speaker, I rise in strong support of the conference report.

This week marks 3 years since the National Commission on Terrorist Attacks Upon the United States, also known as the 9/11 Commission, issued a comprehensive set of bipartisan recommendations to Congress to address the shortcomings in our Nation's intelligence infrastructure that led to the tragic attacks of 9/11.

While Congress acted on some of the recommendations, many of the Commission's most important recommendations sat on a shelf for two-and-a-half years, until the first 100 hours of the 110th Congress.

We acted quickly to pass legislation to:

Ensure homeland security grants are targeted for states and high-risk urban areas based on risk of terrorism;

Improve interoperability of first-responder communications at local, State, and Federal levels;

Provide over \$4 billion over 4 years for rail, transit, and bus security grants;

Mandate screening of all maritime cargo within five years and all airline cargo within 3 years; and

Provide sunshine on the activities of the Intelligence Community by requiring the President to publicly disclose the total budget for the intelligence community.

Now that the Senate has also acted and we have the Conference Report before us, I urge my colleagues to pass this legislation and send it to the President's desk for his signature.

These are not partisan issues. Assessing blame for past failures will not help us protect our future. However, refusing to recognize these failures and not take the critical steps to ensure that they don't ever occur again is not acceptable.

The American people owe a great deal to the work of the 9/11 Commission and the inspired leadership of the families of 9/11 victims, without whom the original legislation would not have become law.

These reforms are long overdue and we should not waste another day in enacting them into law.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my strong support for H.R. 1, which will finally implement in full the recommendations made by the 9/11 Commission. This is an extremely important day for our Nation.

I want to specifically express my support for the inclusion of provisions that protect our privacy and civil liberties. Last Congress, I worked with Representatives CAROLYN MALONEY and CHRISTOPHER SHAYS to introduce the Protection of Civil Liberties Act which would have made the Privacy and Civil Liberties Board an independent agency and granted it the power it needed to fully do its job. I am pleased that the Conference Report works to ensure that the Board will finally be able to fully operate as our country's independent civil liberties watchdog.

The Conference Report before us today gives the Board independence by finally removing it from the administration's control and provides it with the funding necessary to do its job. It authorizes the Board to have access to all the relevant information it needs to carry out its responsibility, and gives the Board more power to subpoena potential witnesses. Additionally, the Board will be required to regularly report to Congress on its activities, findings, and recommendations, and to inform the public of its activities as well.

Clearly, for years our country has been headed in the wrong direction regarding the protection of our civil liberties, and a fully independent Civil Liberties Oversight Board will serve as an important first step to bring our nation back on course. We must not continue to undercut the civil liberties our Constitution guarantees under the false pretense that they cannot be maintained in a post-9/11 world. I strongly believe the American public deserves both security and privacy and, today, action in the House ensures that this can occur. I urge my colleagues to support this vital piece of legislation.

Mr. SAXTON. Mr. Speaker, I rise today to express my support for the conference report

of H.R. 1, the 9/11 Recommendations Implementation Act. This comprehensive bill addresses many of our homeland security issues, and as a conferee I am pleased that the conference report includes an important provision that protects those who see suspicious behavior and take the initiative to notify the authorities of their concerns. No one should have to fear prosecution for acting vigilantly and coming forward when they see something that doesn't seem right. If anything, we should be encouraging people to speak up when they see suspicious behavior while waiting to board a plane or shopping in a crowded mall.

Take the alert store clerk in New Jersey who noticed suspicious activities on a tape he was asked to transfer to DVD. This young man was at work, saw something that didn't seem right, and alerted the authorities. As a direct result of his actions, a terrorist strike against a military installation in my district—Ft. Dix—was prevented. This man should be heralded as a hero, not prosecuted like a criminal.

It may have taken some time, but my fellow conferees worked through their differences, and in the end supported the inclusion of this vital provision. Had this language not been included, who knows what untold tragedies could have occurred if observant individuals, afraid of possible prosecution, did not contact law enforcement officials.

Again, I support this important measure and urge my colleagues to vote in support of the conference report.

Mr. WELDON of Florida. Mr. Speaker, today I rise to express my view of H.R. 1, The 9/11 Conference Report. I commend the bipartisan group that worked together on this bill, which on balance is a good bill, although I do have reservations about some provisions of the bill.

There are some very good provisions in this bill, which were not part of the House-passed bill. I am pleased that many of the significant problems in the version of this bill that passed the House in January have been removed from the final conference report that we are voting on today.

This bill no longer contains the provisions that place the collective bargaining policies of Transportation Security Administration, TSA, employees above the homeland security needs of the American people. This was a troubling provision that was included in the original House-passed version of this bill. It was troubling because collective bargaining rights would have interfered with the ability of the Department of Homeland Security and the TSA to impose the best work policies and procedures possible in order to make our Nation safer. It would have interfered with the ability to fully and quickly implement security-based policies.

I am pleased that the Conference Report contains a provision that grants immunity from civil lawsuits to those who report transportation-related suspicious activities. This is a crucial provision that will free American citizens from the fear of reporting activity that they think is suspicious. No one should be subject to a lawsuit because they report suspicious activity.

We cannot allow an atmosphere of fear of litigation to further hamper our ability to thwart acts of terror. If people feel some activity is suspicious, they should feel free to report it to the proper authorities. It is then up to the au-

thorities to determine if it is suspicious enough to investigate. In weighing the rights of Americans, I believe the right to be free from injury or death from terrorists trumps the right of threatening people to conduct their threatening activity with impunity. This provision directly addresses the case of the six Imams who have brought suit against the passengers on their flight who reported their suspicious activity. It is clear to most observers that these individuals were likely fomenting fear in order to create the lawsuit that has resulted. I, and my fellow Americans, will not stand for the patent abuse of our own legal system used against us.

Provisions in the bill enhancing the screening of air cargo carried on passenger airlines is an important provision and one of which I am very supportive. The bill will also implement a program to collect biometric data on those entering the U.S. from visa waiver countries. This will enhance security as will the provision enabling us to take into account visa overstay violations when considering visa waiver country policies.

I agree with these and other provisions in the bill and believe they will enhance national security. However, there are some provisions that have little to do with homeland security and should never have been in this bill. In fact, none of these provisions were included in the recommendations of the 9/11 Commission, and in fact, do just the opposite of enhancing security.

I am greatly disappointed that the Democrat majority chose to include a provision that will disclose to the public, including terrorists, how much money our Nation spends on intelligence gathering. This should never have been included in a bill aimed at securing our Nation. How does disclosing to those who seek to harm the American people make our Nation safer? I will be supporting efforts to ensure that this budget is not revealed and that this is not disclosed.

Additionally, I am concerned that the bill included a provision that allows the administration to increase the scope of the Visa Waiver Program. Currently, individuals from 27 nations are permitted entry into the U.S. without having to go through the security processes related to obtaining a visa. I oppose this provision and will support legislative provisions to limit the administration's ability to expand the program.

Finally, I share some of the concerns raised by my colleagues relating to the provision requiring 100-percent screening of container cargo. I am concerned that there are loopholes and weaknesses in such a system and that simply requiring 100-percent screening may give the American people a false sense of security. There are deficiencies in the screening technologies and, once screened, the cargo can still be tampered with. I believe we need to weigh the implementation of this program and adjust it along the way to ensure that we are using our homeland security dollars as wisely as possible. Even the 9/11 Commission recommended that we base cargo inspections on a security risk assessment rather than a 100-percent screening program. I think they recognized the value of a focused program.

I look forward to continuing to work to address these issues.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as a member of the Committee on

Homeland Security and a conferee on this legislation, I rise in strong support of the Conference report on H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007.

This report implements several of the 9/11 Commission's key recommendations, including increasing the amount of Homeland Security grant funding that is distributed based on risk.

This extremely important change will ensure that the states at the highest risk for terrorist attacks will have the needed resources to prepare for and respond to attacks.

I am also particularly pleased that this report increases the authorized funding for the Emergency Management Performance Grant program which provides all hazards preparedness funding to States.

I have been a long-time advocate of increasing EMPG funding, to ensure that all of our communities have the ability to prepare for any disaster, natural or man-made.

There are many other excellent provisions in this conference report, including the establishment of an office of appeals and redress at TSA and a Quadrennial Homeland Security Review of the national Homeland Security Strategy.

I urge my colleagues to support this conference report.

Mr. HOLT. Mr. Speaker, I rise in support of this conference report, which seeks to ensure that our government fully implements the recommendations of the 9/11 Commission. While the Congress has previously enacted the majority of the recommendations of the 9/11 Commission, several were not addressed during the last Congress. Moreover, in the years since the Department of Homeland Security was created and the Intelligence Reform and Terrorism Prevention Act of 2004 became law, we've learned a number of lessons about how well—or poorly—these reforms have worked. The bill before us is a partial response to those lessons learned.

This bill authorizes robust funding for a variety of homeland security grant programs, including emergency management performance grants, interoperable emergency communications grants, and the Urban Area Security Initiative Grant Program. The bill also mandates more emphasis on a risk-based approach to the awarding of UASI grants, something that I and others in the New Jersey delegation have long advocated.

Improving the department's ability to spot threats and foil attacks before they happen remains a primary concern of all of us in Congress. Those of us who serve on committees that deal with intelligence issues know that the department's intelligence operation suffers from a lack of clout within both the department and the intelligence community as a whole. The bill offers a partial remedy for this problem by reorganizing the department's intelligence operations and elevating the Chief Intelligence Officer from an Assistant Secretary to an Undersecretary—putting that officer on par with his counterpart at the Pentagon.

I agree with the thrust of this reorganization. However, we shouldn't deceive ourselves: rearranging the department's organization chart is no substitute for the President putting forward highly qualified nominees for this and the many other positions at DHS that remain vacant to this day. While I believe this proposed reorganization will help to rationalize and streamline DHS's intelligence management

structure, the President must take action to appoint intelligence leaders who are aggressive and focused—and then hold them accountable for their performance or lack thereof.

Another 9/11 Commission recommendation relating to our intelligence operations concerned declassifying how much we spend per year on intelligence activities.

Those who oppose declassifying the overall budget figure claim it would undermine our security. Declassifying the overall budget figure would simply tell the American taxpayer how much of their money is going towards intelligence programs and activities, something they most certainly deserve to know. Declassifying the overall budget figure would in no way compromise intelligence sources or methods. That is why I was disappointed that the conferees elected to include language that allows the President to postpone or even waive the disclosure of the overall intelligence community budget figure by certifying to Congress that such disclosure would damage national security. This was a needless concession to the President and I will seek to have this provision reexamined next year.

Regarding measures Congress can take to improve its oversight of the intelligence community, I was pleased to see that the report indicates that the Senate is considering following the House's lead in this area. Earlier this year and under the leadership of Speaker PELOSI, the House passed H. Res. 35, which created the Select Intelligence Oversight Panel, which I have the honor of chairing. Our panel contains a mix of members from both the Appropriations Committee and the House Permanent Select Committee on Intelligence. Our charter is to continuously review the operations of the intelligence community and to recommend changes in policies and funding levels where necessary. We just completed our first such review, and the vast majority of our recommendations were approved by the full Appropriations Committee just this week. If the Senate is looking for a model for how to better coordinate its intelligence oversight work, I would highly recommend that they look at the model we're now using here in the House.

I was also very disappointed to see that the conferees dropped language relating to workers' rights to organize and engage in collective bargaining with the department. Most other Federal workers already have this right, and our failure to ensure our airport screeners are allowed to organize and negotiate for better salaries and benefits is wrong and should be revisited next year.

On a brighter note, the bill significantly enhances the power and status of the Privacy and Civil Liberties Oversight Board (PCLOB), whose creation was another key recommendation of the 9/11 Commission.

Currently, the PCLOB is under the direct control of the Executive Office of the President. It has lacked significant funding, something I tried to remedy in the fiscal year 2007 Intelligence Authorization bill by offering an amendment to the bill that would have authorized an annual funding stream of \$3 million. Unfortunately, the Republican majority blocked that amendment from coming to the House floor for a vote. This bill solves that problem by authorizing a steady increase in the Board's budget, from \$5 million for fiscal year 2008 up to \$10 million through fiscal year

2011, and such funds as are necessary from 2012 and beyond.

Another drawback to the current Board is its lack of independence has clearly undermined its ability to act as a true civil liberties watchdog. The bill before us would remove the Board from the EOP and make it an independent agency within the executive branch, and require that all Board members—not just the chairman—be subject to Senate confirmation. The bill also gives the Board real subpoena power, a critical tool for ensuring compliance with the Board's requests for information and testimony from executive branch officials.

Overall, this is a good bill whose enactment would enhance our Nation's security, and it is for that reason that I will vote for it and I urge my colleagues to do likewise.

Mr. DINGELL. Mr. Speaker, 3 years ago, the 9/11 Commission made a series of recommendations to Congress and the administration designed to ensure the safety of Americans while protecting the liberties that form the core of our democracy. This important legislation addresses issues that reach across all aspects of the lives of Americans.

The 9/11 Commission recommended that Congress ensure that first responders be able to communicate with each other across jurisdictions—firefighters with police officers, emergency medical professionals with State officials, local with State and Federal personnel. Title III, Ensuring Communications Interoperability for First Responders, establishes a grant program designed to achieve this important goal. As structured in this legislation, the Department of Homeland Security (DHS) grant program will complement the interoperability program already underway at the Department of Commerce.

Under statute, DHS's expert on all matters relating to emergency communications is the Director of Emergency Communications. Title III of this Conference Report recognizes this statutory directive by ensuring that the Director of Emergency Communications will design and implement the grant programs' policies and guidelines. The Director will be in charge of ensuring that grant program funds are used to establish a forward-looking, nationwide, interoperable system to ensure the safety and efficient functioning of all of our first responders as they respond to natural disasters and other calamities. The Committee on Energy and Commerce looks forward to overseeing this program and receiving continual updates from the Director on the progress of DHS towards achieving nationwide interoperability through this program.

I am also especially pleased that the legislation ensures that the overwhelming majority of the interoperability grant funds will be passed through to localities, because it is at the local level that our first responders are working to ensure our safety and well-being. Importantly, the legislation ties the grant funds to the implementation of statewide plans and a national plan that will act as a road map towards statewide and national interoperability. As we have learned, natural disasters and incidents do not recognize international borders. To help our first responders address trans-border incidents, Title III also establishes border interoperability pilot projects to help us ensure that our first responders are able to communicate with our neighbors to the north and south.

Title IV addresses credentialing workers involved in ensuring America's safety. The Conference Report states that the DHS shall consult with the Secretary of Health and Human Services when developing credentialing standards for healthcare personnel. It is imperative that the Secretary of Health and Human Services not only be involved but also have a leadership role in developing standards for credentialing of healthcare professionals. Failing to utilize the public health expertise of the Department of Health and Human Services to its fullest extent could jeopardize efficient care and support for Americans who have been exposed to a terrorist attack or natural disaster. I look forward to working with Chairman THOMPSON to ensure that the required consultation is to the degree and of the depth merited by the importance of the public health of all of America's people.

I want to thank the gentleman for some important clarifications that have been added to Title IX of the bill, which addresses voluntary national private sector preparedness standards. When we voted on this bill in January, I noted that Section 112(r) of the Clean Air Act establishes a mandatory regulatory program regarding the accidental releases of hazardous chemicals. As part of that program, the owner or operator of a covered facility must prepare and implement a risk management plan to detect and prevent or minimize accidental releases and to provide a prompt emergency response to any such releases. I asked for clarification at that time that the bill's voluntary program was not intended to interfere with this mandatory Clean Air Act program. The conference report before us today provides that clarification. Rules of Construction, as well as requirements for consideration and coordination with other Federal agencies' preparedness programs or standards, have been included in the two new sections of the Homeland Security Act of 2002 that address private sector preparedness. These provisions clarify that the private sector must continue to meet the Clean Air Act Section 112(r) requirements, and that the voluntary preparedness standards are not intended to supersede or interfere with the mandatory Clean Air Act program.

Another important area of concern addressed by this legislation is cargo screening. One of the major security vulnerabilities facing this Nation is the threat from the detonation of a nuclear device smuggled into a port through a cargo container loaded on a ship. It is a nightmare we must prevent. Section 1701 establishes a 5-year goal of 100 percent screening for radiological devices or material in cargo containers leaving foreign ports before they ever enter the waters of the United States. This is a worthy priority, and to ensure adequate flexibility, the DHS Secretary is given authority for 2-year waivers should there be major impediments to its implementation.

Section 1701 also authorizes the DHS Secretary to "establish technological and operational standards for systems to scan containers; to ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and to coordinate with other Federal agencies that administer scanning or detection programs."

The need for coordination between agencies is essential, particularly given the advanced work carried out by the Department of Energy (DOE) in setting up radiation portal monitors at

ports, airports, and rail stations around the world. The DOE's "Megaports" program provides radiation detection equipment to key international seaports to screen cargo containers for radioactive materials, including Greece, Bahamas, Sri Lanka, Spain, Singapore, and the Netherlands. Approximately 70 ports worldwide are targeted for implementation, and installation efforts are underway at ports within Belgium, China, Dubai, Honduras, Israel, Oman, the Philippines, Thailand, Jamaica, the Dominican Republic, and Taiwan. Additionally, the Megaports program is teaming with the "Container Security Initiative" to implement the "Secure Freight Initiative" pilot program at ports in the United Kingdom, Pakistan, and Honduras. The DOE's "Second Line of Defense" program installs radiation detection equipment at borders, airports, and feeder ports in Russia, former Soviet Union states, and other key countries. Approximately 350 sites have been identified to receive detection equipment installations.

Even though this legislation authorizes the DHS Secretary to set minimum container scanning technology standards, the Conference Report properly notes that DOE has inherent capabilities to assess, through its cooperative agreements with numerous countries and port authorities, the adequacy of technical and operating procedures for cargo container scanning.

To ensure the smooth continuation of DOE's cooperative relationships with numerous countries and the further expansion of the Megaports program, the Conference Report makes clear that these two agencies shall closely coordinate their activities, and requires that DHS shall consult with DOE prior to the establishment of technological or operational standards that would affect screening activities in foreign ports. As part of the coordination requirement in this section, the Conference Report directs that where the scanning technology standards affect the DOE's Megaports and SLD programs, the Secretary shall invite the DOE to participate in the development and final review of such standards, and the Secretary of Homeland Security shall seek the concurrence of the Secretary of Energy. Should differences arise, I would expect that DOE and DHS would notify the relevant committees of jurisdiction in Congress. The American people are counting on the agencies carrying out cargo screening at our ports and borders to ensure that there are technically sound decisions in setting standards and selecting equipment, and that there is seamless coordination between agencies with responsibility and expertise.

Title XXII makes an important modification to the Department of Commerce's interoperability grant program by including strategic technology reserves as eligible for funding. This modification recognizes the importance of a resilient and redundant network of emergency communications. In Title XXII, Congress also recognizes the expertise of the Federal Communications Commission (FCC) with regard to the Nation's communications and information infrastructure and directs the FCC to conduct a vulnerability assessment. This title also establishes a joint committee and a pilot project to improve communications for emergency medical and public healthcare committee. Title XXII also requires an important report on the progress of the re-banding efforts in the 800 megahertz band. As such, this

title recognizes Congress's clear intent that this process proceed as expeditiously as possible so that our first responders in border areas may effectively utilize the spectrum to which they are moving. I also support the changes in Title XXIII because I believe that it will enhance and expedite the ability of our Nation's 911 centers to be able to automatically locate callers whether they are using traditional land line or mobile phones.

I appreciate the Chairman's willingness to work with me, the members of the Committee on Energy and Commerce, and our staff as we have used our expertise to improve the legislation in this Conference Report.

Mr. SKELTON. Mr. Speaker, I rise in support of the "Implementing Recommendations of the 9/11 Commission Act of 2007."

As a conferee on this legislation, I worked on a number of provisions that strengthen U.S. nonproliferation and threat reduction programs, which the 9/11 Commission emphasized must be a top priority given the threat that weapons of mass destruction (WMD) proliferation and terrorism pose to the American people.

I am particularly pleased that the bill strengthens the Proliferation Security Initiative (PSI), which is an important tool for interdicting illicit transfers of WMD. The bill will help to expand PSI-cooperation with our allies and strategic partners; ensure that the PSI has the necessary budget, resources and structures; and enable Congress to exercise greater oversight of PSI activities.

I also strongly support the bill provision that establishes a high-level coordinator for preventing WMD proliferation and terrorism. This new coordinator will ensure that the U.S. strategy, budget, programs and initiatives, and interagency action are comprehensive and well-coordinated, and will provide leadership that has been lacking and is critical to the effectiveness of U.S. nonproliferation and threat reduction efforts.

Finally, I am pleased that the bill repeals limits on Cooperative Threat Reduction Program assistance, which have impeded the effectiveness of this Department of Defense program in past years; authorizes funding to strengthen and expand Cooperative Threat Reduction and Department of Energy nonproliferation programs; and includes other measures to counter the threat that WMD proliferation and terrorism poses to the American people.

I strongly encourage my colleagues to support this legislation. Our government has no greater responsibility than protecting the American people. By implementing the recommendations of the 9/11 Commission, we are taking real steps to close security gaps and provide a secure future for all Americans.

Mr. GALLEGLY. Mr. Speaker, while there are many good reasons to support this bill I feel I must oppose the bill because of the Visa Waiver provision.

Mr. BLUMENAUER. Mr. Speaker, part of the agenda of the New Democratic Leadership was to pass the "Implementing Recommendations of the 9/11 Commission Act", which has been bottled up for years. By doing so, we are taking an important step in improving the safety of all Americans.

This bill brings about a positive change to our current homeland security strategy. It provides a new formula for grant funding distribution based on risks in order to remove the politics from our national security. It contains a

substantial amount of funding for improving communications interoperability among first responders, which will help Oregon as it continues to aggressively address the issue at the local level. It also provides nearly \$4 billion over the next four years for rail, transit, and bus security, a matter which I have had a long standing interests. We have seen the devastating impacts of terrorism on these modes of transportation in Europe in recent years and it is crucial that we make investments to protect this infrastructure at home.

These changes and many others recommended by the 9/11 Commission represent an important and long overdue step forward to securing our Nation.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 40, not voting 22, as follows:

[Roll No. 757]

YEAS—371

Abercrombie	Cardoza	Etheridge
Ackerman	Carnahan	Everett
Aderholt	Carney	Fallin
Akin	Carson	Farr
Alexander	Carter	Fattah
Allen	Castle	Feeney
Altmire	Castor	Ferguson
Andrews	Chabot	Pilner
Arcuri	Chandler	Forbes
Baca	Clay	Fortenberry
Bachmann	Cleaver	Fossella
Bachus	Clyburn	Foxx
Baird	Cohen	Franks (AZ)
Baldwin	Cole (OK)	Frelinghuysen
Barrow	Conaway	Garrett (NJ)
Bartlett (MD)	Conyers	Gerlach
Bean	Cooper	Giffords
Becerra	Costa	Gilchrest
Berkley	Costello	Gillibrand
Berry	Courtney	Gillmor
Biggert	Cramer	Gohmert
Bilirakis	Crenshaw	Gonzalez
Bishop (GA)	Crowley	Goodlatte
Bishop (NY)	Cuellar	Gordon
Blumenauer	Cummings	Granger
Blunt	Davis (AL)	Graves
Bonner	Davis (CA)	Green, Al
Bono	Davis (IL)	Green, Gene
Boozman	Davis, Lincoln	Grijalva
Boren	Davis, Tom	Hall (NY)
Boswell	Deal (GA)	Hall (TX)
Boucher	DeFazio	Hare
Boustany	DeGette	Harman
Boyd (FL)	Delahunt	Hastings (FL)
Boyd (KS)	DeLauro	Hastings (WA)
Brady (PA)	Dent	Hayes
Brady (TX)	Diaz-Balart, L.	Heller
Braley (IA)	Diaz-Balart, M.	Hensarling
Brown (GA)	Dicks	Herger
Brown (SC)	Dingell	Herseth Sandlin
Brown, Corrine	Doggett	Higgins
Brown-Waite,	Donnelly	Hill
Ginny	Doolittle	Hinchev
Buchanan	Doyle	Hinojosa
Burgess	Drake	Hirono
Burton (IN)	Dreier	Hobson
Butterfield	Edwards	Hodes
Buyer	Ehlers	Holden
Calvert	Ellison	Holt
Camp (MI)	Ellsworth	Honda
Cantor	Emerson	Hooley
Capito	Engel	Hoyer
Capps	English (PA)	Hulshof
Capuano	Eshoo	Hunter

Inslee	Meeks (NY)	Schwartz
Israel	Melancon	Scott (GA)
Jackson (IL)	Michaud	Scott (VA)
Jackson-Lee	Miller (MI)	Serrano
(TX)	Miller (NC)	Sessions
Jefferson	Miller, George	Sestak
Jindal	Mitchell	Shays
Johnson (GA)	Mollohan	Shea-Porter
Johnson (IL)	Moore (KS)	Sherman
Johnson, E. B.	Moore (WI)	Shimkus
Jones (OH)	Moran (KS)	Shuler
Kagen	Moran (VA)	Shuster
Kanjorski	Murphy (CT)	Simpson
Kaptur	Murphy, Patrick	Sires
Keller	Murphy, Tim	Skelton
Kennedy	Murtha	Slaughter
Kildee	Musgrave	Smith (NE)
Kilpatrick	Myrick	Smith (NJ)
Kind	Nadler	Smith (WA)
King (NY)	Napolitano	Snyder
Kirk	Neal (MA)	Solis
Klein (FL)	Neugebauer	Souder
Kline (MN)	Nunes	Space
Knollenberg	Obey	Spratt
Kuhl (NY)	Olver	Stearns
Lamborn	Ortiz	Stupak
Lampson	Pallone	Sutton
Langevin	Pascrell	Tanner
Lantos	Pastor	Tauscher
Larsen (WA)	Payne	Taylor
Larson (CT)	Pearce	Terry
Latham	Pelosi	Thompson (CA)
LaTourette	Perlmutter	Thompson (MS)
Lee	Peterson (MN)	Thornberry
Levin	Pickering	Tiahrt
Lewis (CA)	Pitts	Tiberi
Lewis (GA)	Platts	Tierney
Lewis (KY)	Poe	Towns
Linder	Pomeroy	Turner
Lipinski	Porter	Udall (CO)
LoBiondo	Price (NC)	Udall (NM)
Loebach	Pryce (OH)	Upton
Lofgren, Zoe	Putnam	Van Hollen
Lowe	Rahall	Velázquez
Lucas	Ramstad	Visclosky
Lungren, Daniel	Rangel	Walberg
E.	Regula	Walden (OR)
Lynch	Reichert	Walsh (NY)
Mack	Reyes	Walz (MN)
Mahoney (FL)	Reynolds	Wasserman
Maloney (NY)	Rodriguez	Schultz
Manzullo	Rogers (AL)	Watson
Marchant	Rogers (KY)	Watt
Markey	Rogers (MI)	Waxman
Marshall	Ros-Lehtinen	Weiner
Matheson	Roskam	Welch (VT)
Matsui	Ross	Weldon (FL)
McCarthy (CA)	Rothman	Weller
McCarthy (NY)	Roybal-Allard	Westmoreland
McCaul (TX)	Ruppersberger	Wexler
McCollum (MN)	Rush	Whitfield
McCotter	Ryan (OH)	Wicker
McCrery	Ryan (WI)	Wilson (NM)
McDermott	Salazar	Wilson (OH)
McGovern	Sánchez, Linda	Wolf
McHugh	T.	Woolsey
McIntyre	Sanchez, Loretta	Wu
McKeon	Sarbanes	Wynn
McMorris	Saxton	Yarmuth
Rodgers	Schakowsky	Young (AK)
McNerney	Schiff	Young (FL)
Meek (FL)	Schmidt	

NAYS—40

Barrett (SC)	Goode	Radanovich
Barton (TX)	Hoekstra	Rehberg
Bilbray	Inglis (SC)	Renzi
Bishop (UT)	Johnson, Sam	Rohrabacher
Blackburn	Jones (NC)	Royce
Campbell (CA)	Jordan	Sali
Cannon	King (IA)	Sensenbrenner
Coble	Kingston	Shadegg
Culberson	McHenry	Smith (TX)
Davis (KY)	Miller (FL)	Sullivan
Davis, David	Oberstar	Wamp
Duncan	Paul	Wilson (SC)
Flake	Petri	
Gingrey	Price (GA)	

NOT VOTING—22

Baker	Gallegly	Miller, Gary
Berman	Gutierrez	Pence
Boehner	Hastert	Peterson (PA)
Clarke	Issa	Stark
Cubin	Kucinich	Tancredo
Davis, Jo Ann	LaHood	Waters
Emanuel	McNulty	
Frank (MA)	Mica	

□ 1654

Mr. RADANOVICH changed his vote from “yea” to “nay.”

Mrs. BOYDA of Kansas, Mr. SCOTT of Virginia, Mr. BOYD of Florida and Mr. TURNER changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted “yea” on rollcall vote 757.

Stated against:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to cast a vote on rollcall 757. Had I been present, I would have voted “nay” on the measure.

Mr. GALLEGLY. Mr. Speaker, on rollcall No. 757, because of a family commitment I was not present for rollcall vote 757. Had I been present I would have voted “nay.”

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, on Friday, July 27, 2007, I was absent from the House for medical reasons.

Had I been present I would have voted:

On rollcall No. 748—“aye”—Jackson/Lee Amendment No. 101 to H.R. 2419; on rollcall No. 749—“no”—Rangel Amendment No. 24 to H.R. 2419; on rollcall No. 750—“aye”—Boehner Amendment No. 23 to H.R. 2419; on rollcall No. 751—“aye”—Davis/Kirk Amendment No. 45 to H.R. 2419; on rollcall No. 752—“aye”—Udall Amendment No. 42 to H.R. 2419; on rollcall No. 753—“aye”—Putnam Amendment No. 60 to H.R. 2419; on rollcall No. 754—“aye”—Cooper Amendment No. 95 to H.R. 2419; on rollcall No. 755—“aye”—Motion to Recommit for H.R. 2419; on rollcall No. 756—“no”—Final Passage for H.R. 2419; on rollcall No. 757—“nay”—H. Res. 567, Conference Report on H.R. 1.

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall votes 748, 749, 750, 751, 752, 753, 754, 755, 756, and 757 on July 27, 2007. Had I been present, I would have voted “aye” on rollcall votes 748, 749, 751, 752, 754, 756, and 757, and I would have voted “no” on rollcall votes 750, 753, and 755.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-263) on the resolution (H. Res. 579) providing for consideration of the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans